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ONTARIO,

# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

### Seventh and Eighth Years of the Reign of Her Majesty QUEEN ELIZABETH II

Being the Fifth Session of the Twenty-Fifth  
Legislature of Ontario

CONVENED ON THE 27<sup>TH</sup> DAY OF JANUARY, 1959, AND  
PROROGUED ON THE 26<sup>TH</sup> DAY OF MARCH, 1959

---

HIS HONOUR JOHN KEILLER MACKAY  
LIEUTENANT-GOVERNOR

---

TORONTO

Printed and Published by Baptist Johnston, Printer to the Queen's Most Excellent Majesty  
1959





ONTARIO

# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

706992

IN THE FIFTH SESSION OF THE TWENTY-FIFTH

LEGISLATURE OF ONTARIO

ENACTED ON THE TWENTY-SEVEN DAY OF JANUARY, ONE AND

THAT THE BODIES OF THE SEVERAL CITIES, TOWNS AND VILLAGES

PRINTED



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PART I  
PUBLIC ACTS  
Chapters 1 to 108







ONTARIO

# 7-8 ELIZABETH II

## CHAPTER 1

### An Act to amend The Administration of Justice Expenses Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 11 and 12 of *The Administration of Justice Expenses Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 5, ss. 11, 12, re-enacted

11. Where services are rendered by a person in connection with a prosecution and the services are rendered by the direction or with the approval of the Attorney-General, the person rendering the services is entitled to be paid such sum as the Attorney-General directs out of the moneys appropriated by the Legislature for the administration of justice. Payment for special services
12. Where the Attorney-General is of the opinion that it is necessary in order to procure the attendance as a witness for the Crown at a criminal trial of a person resident out of Ontario and that such person should be compensated for his loss of time and expenses in attending the trial, the Attorney-General may direct that such sum as he deems reasonable be paid to such person out of the moneys appropriated by the Legislature for the administration of justice. Remuneration of witness coming to Ontario
- 12a. Where the Attorney-General is of the opinion that it is advisable to bring a person charged with an indictable offence from a place out of or in Ontario to the place of trial in Ontario, he may direct that such be done and in every such case the expenses incurred in carrying out the direction shall be paid out of the moneys appropriated by the Legislature for the administration of justice. Payment of expenses of bringing accused to trial

R.S.O. 1950,  
c. 5, s. 23,  
amended

**2.** Section 23 of *The Administration of Justice Expenses Act* is amended by adding thereto the following subsection:

Audit by  
board of  
audit may  
be  
dispensed  
with

(1a) Notwithstanding subsection 1, the council of any county may by resolution dispense with the audit and approval by the board of audit.

R.S.O. 1950,  
c. 5, s. 27,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 27 of *The Administration of Justice Expenses Act* is repealed and the following substituted therefor:

Certificate  
of clerk of  
the peace

(1) When the accounts have been audited and approved by the board of audit or such audit and approval have been dispensed with, the accounts shall be certified by the clerk of the peace and his certificate is sufficient evidence of such audit and approval or that such audit and approval have been dispensed with, as the case may be.

R.S.O. 1950,  
c. 5,  
Sched. A,  
amended

**4.—**(1) Schedule A to *The Administration of Justice Expenses Act* is amended by striking out "\$7.00" in the second line of item 1 under the heading "COUNTY COURT CLERKS" and inserting in lieu thereof "\$10.00", so that the item shall read as follows:

1. Attending general sessions and county court judge's criminal court, and all services in court, per diem. . . . . \$10.00

R.S.O. 1950,  
c. 5,  
Sched. A,  
amended

(2) The said Schedule A is further amended by striking out the heading "LOCAL REGISTRARS S.C.O." and the item thereunder, as made by subregulation 6 of regulation 1 of Ontario Regulations 111/57, and inserting in lieu thereof:

#### LOCAL REGISTRARS S.C.O.

1. Attending sittings of the Supreme Court, jury or non-jury, per diem. . . . . \$10.00

Short title

**5.** This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1959*.

## CHAPTER 2

**An Act to amend  
The Agricultural Societies Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subclause ii of clause *d* of subsection 1 of section 24 of *The Agricultural Societies Act*, as amended by section 1 of *The Agricultural Societies Amendment Act, 1953*, is further amended by striking out "\$1,000" in the amendment of 1953 and inserting in lieu thereof "\$1,500", so that the subclause shall read as follows:

R.S.O. 1950,  
c. 13, s. 24,  
subs. 1, cl. *d*,  
subcl. ii,  
amended

(ii) no society shall in any year be entitled to receive a grant in excess of \$1,500.

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Agricultural Societies Amendment Act, 1959*.

Short title





## CHAPTER 3

**An Act to amend  
The Air Pollution Control Act, 1958**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *g* of subsection 1 of section 1 of *The Air Pollution Control Act, 1958* is repealed and the following substituted therefor: 1958, c. 2,  
s. 1, subs. 1,  
cl. *g*,  
re-enacted

- (*g*) “occupant” means the person in occupation or having the charge, management or control of any premises, whether on his own account or as the agent of any person;
- (*h*) “owner” means the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the same if such land or premises were let;
- (*i*) “provincial officer” means officer of the Department of Health who is designated by the Minister as a provincial officer for the purposes of this Act.

(2) Subsection 2 of the said section 1 is amended by inserting after “dots” in the fourth line “or lines”, so that the first five lines of the subsection shall read as follows: 1958, c. 2,  
s. 1,  
subs. 2,  
amended

- (2) The density of an air contaminant that is approximately black shall be determined by means of a chart commonly known as the Ringelmann Chart, a Micro-Ringelmann Chart, or by a comparable chart having black dots or lines upon a white ground, or by a glass comparator, so as to produce:

. . . . .

1958, c. 2,  
s. 3, subs. 2,  
cl. *f*,  
amended

**2.**—(1) Clause *f* of subsection 2 of section 3 of *The Air Pollution Control Act, 1958* is amended by striking out “the owners or occupants” in the first line and inserting in lieu thereof “any owner or occupant”, so that the clause shall read as follows:

- (*f*) for requiring any owner or occupant of premises to furnish such information as a municipal officer may require for the purposes of administering or enforcing the by-law.

1958, c. 2,  
s. 3, subs. 2,  
cl. *g*,  
re-enacted

(2) Clause *g* of subsection 2 of the said section 3 is repealed and the following substituted therefor:

- (*g*) for regulating the erection, construction, reconstruction, installation, alteration, repair, maintenance, operation and use of any equipment, apparatus, device, mechanism or structure from which any air contaminant may be emitted;
- (*gg*) for requiring that plans and specifications for the erection, construction, reconstruction, installation, alteration or repair of any equipment, apparatus, device, mechanism or structure from which any air contaminant may be emitted and such information as a municipal officer may require with respect thereto be filed with a municipal officer, and for requiring approval of such plans and specifications by a municipal officer and that without such approval no such erection, construction, reconstruction, installation, alteration or repair shall be commenced, and for requiring that the work so approved be commenced and proceeded with within one year from the date of such approval and that otherwise such approval shall be void, and for inspecting the work when completed and for issuing a certificate that the work complies with the plans and specifications filed and with the by-law, and for providing that without such certificate no such equipment, apparatus, device, mechanism or structure shall be operated or used, and for charging fees for such approval of plans and specifications and for such certificates.

1958, c. 2,  
s. 3, subs. 2,  
cl. *h*,  
re-enacted

(3) Clause *h* of subsection 2 of the said section 3 is repealed and the following substituted therefor:

- (*h*) for appointing one or more municipal officers to administer and enforce any air pollution control by-law and for authorizing any such officer to enter in or upon any premises at any reasonable time and



make such examinations, tests and inquiries as he may deem necessary or advisable for the purposes of the by-law; and for requiring any owner or occupant of premises, his employees and agents to furnish all means in his or their power that may be required by the officer under this clause, and for authorizing any such officer to require such installations of or alterations in any equipment, apparatus, device, mechanism or structure or such changes in the manner of operating the same as may be necessary to prevent or lessen the emission of any air contaminant within such time as he may require.

(4) Subsections 4 and 5 of the said section 3 are repealed and the following substituted therefor: 1958, c. 2, s. 3, subss. 4, 5, re-enacted

(4) Subsection 1, with respect to products of combustion, and clauses *a*, *b*, *c*, *d*, *g* and *gg* of subsection 2 do not apply to heating equipment used or intended to be used for the heating of a one, two or three family dwelling or for the heating of less than 35,000 cubic feet of space in a commercial establishment. Exemptions

(5) Clause *gg* of subsection 2 does not apply to internal combustion engines or to routine maintenance work, minor alterations or emergency repairs that do not increase the emission of air contaminants. Idem

**3.** Section 4 of *The Air Pollution Control Act, 1958* is repealed and the following substituted therefor: 1958, c. 2, s. 4, re-enacted

4.—(1) Where a municipality passes an air pollution control by-law and appoints a municipal officer with power to exercise the powers mentioned in clause *h* of subsection 2 of section 3, the council shall by by-law establish an appeal board composed of not less than three and not more than five members, a majority of whom shall not be members of a municipal council, to hear and determine appeals from orders of municipal officers and provide for such appeals, prescribe the time within which such appeals may be made and the procedure on such appeals. Appeal

(2) Any person who deems himself aggrieved by a decision of an appeal board may appeal to a judge of the county or district court of the county or district in which the municipality is situate within thirty days after the receipt of a copy of the decision by the owner or occupant of the premises with respect to which the decision is made and such appeal shall Further appeal

be a hearing *de novo* and the judge may allow or dismiss the appeal or vary the decision of the appeal board and the decision of the judge is final and not subject to any further appeal.

1958, c. 2,  
s. 7, subs. 1,  
re-enacted

**4.**—(1) Subsection 1 of section 7 of *The Air Pollution Control Act, 1958* is repealed and the following substituted therefor:

Power of  
provincial  
officers

(1) A provincial officer may enter in or upon any premises in a municipality or in territory without municipal organization at any reasonable time and make such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act or of the regulations made under this Act.

Information

(1a) Every owner or occupant of premises shall furnish such information as a provincial officer may require for the purposes of this Act or of the regulations made under this Act.

1958, c. 2,  
s. 7, subs. 4,  
re-enacted

(2) Subsection 4 of the said section 7 is repealed and the following substituted therefor:

Appeal

(4) Any person who deems himself aggrieved by an order of a provincial officer may appeal to a judge of the district court of the district in which the premises to which the order relates are located within thirty days after the receipt of a copy of the order by the owner or occupant of the premises with respect to which the order is made and the judge may allow or dismiss the appeal or vary the decision of the appeal board and the decision of the judge is final and not subject to any further appeal.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Air Pollution Control Amendment Act, 1959*.

## CHAPTER 4

**An Act to amend  
The Alcoholism Research Foundation Act, 1949**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Alcoholism Research Foundation Act*, 1949, c. 4, 1949 is amended by adding thereto the following clause: <sup>s. 1, amended</sup>

- (e) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council.

**2.** Subsection 1 of section 17 of *The Alcoholism Research Foundation Act*, 1949 is amended by striking out "of Health" <sup>1949, c. 4, s. 17, subs. 1, amended</sup> in the second line, so that the subsection shall read as follows:

- (1) The Foundation shall make a report annually to the <sup>Annual report</sup> Minister and such report shall contain a financial statement certified by the auditor showing all moneys received and disbursed by the Foundation during the previous fiscal year.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**4.** This Act may be cited as *The Alcoholism Research Foundation Amendment Act, 1959*. <sup>Short title</sup>





## CHAPTER 5

**An Act to amend  
The Archaeological and Historic Sites  
Protection Act, 1953**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 9 of *The Archaeological and Historic Sites Protection Act, 1953* is repealed and the following substituted therefor:

- (2) The members of the advisory board shall receive such remuneration for their services as the Lieutenant-Governor in Council determines and shall be paid proper travelling and other expenses incurred in the work of the board.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Archaeological and Historic Sites Protection Amendment Act, 1959*.



## CHAPTER 6

## An Act to amend The Assessment Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of subsection 1 of section 6 of *The Assessment Act* is amended by inserting after "hotel" in the sixth line "or motel", so that the clause shall read as follows: R.S.O. 1950, c. 24, s. 6, subs. 1, cl. *m*, amended

(*m*) Every person carrying on the business of a photographer or of a theatre, concert hall, or skating rink, or other place of amusement, or of a boarding stable, or a livery, or the letting of vehicles or other property for hire, or of a restaurant, eating house, or other house of public entertainment, or of an hotel or motel or any business not specially mentioned before in this section, for a sum equal to 25 per cent of the assessed value.

2. Column 5 of subsection 2 of section 16 of *The Assessment Act*, as re-enacted by subsection 2 of section 2 of *The Assessment Amendment Act, 1958*, is repealed and the following substituted therefor: R.S.O. 1950, c. 24, s. 16, subs. 2, Col. 5 (1958, c. 4, s. 2, subs. 2), re-enacted

Column 5.—Statement whether the person is an owner or tenant by inserting opposite his name the letter "O." or "T.", as the case may be, and where the person is a "farmer's son", "farmer's daughter" or "farmer's sister", there shall also be similarly entered the letters "F.S.", "F.D." or "F.Sis.", and, in the case of a person who is entitled to be a municipal elector by reason of being the husband or wife of the person rated or entitled to be rated for land as provided by *The Municipal Act* or by R.S.O. 1950, c. 243 reason of being the wife of a farmer's son, or a farmer's daughter, or farmer's sister, there shall also be entered the letters "M.F.N.C.", meaning that such person is entitled to vote at municipal elections but is not to be counted for the purpose of determining representation in the county council, and all such names shall be numbered on the roll.



R.S.O. 1950  
c. 24, s. 18,  
amended

3. Section 18 of *The Assessment Act* is amended by inserting after "towns" in the first line "and in municipalities in the territorial districts", so that the section, exclusive of the form, shall read as follows:

Special  
provisions

18. In cities and separated towns and in municipalities in the territorial districts, it shall not be necessary to comply with the provisions of clause *h* of subsection 1 of section 16 or of column 5 in subsection 2 of section 16 as to the entry of the letters "M.F.N.C." but the name of every person who is entitled to be a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as above set out may be entered in a separate or supplementary assessment roll by the assessor or assistant assessor appointed and sworn in the same manner as the assessor and all such rolls shall be verified by the assessor or assistant assessor by his affidavit or solemn affirmation according to the following form:

. . . . .

R.S.O. 1950,  
c. 24, s. 51  
(1951, c. 4,  
s. 3),  
amended

4.—(1) Section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951* and amended by section 12 of *The Assessment Amendment Act, 1952*, subsections 2 and 3 of section 12 of *The Assessment Amendment Act, 1955*, section 7 of *The Assessment Amendment Act, 1956*, section 10 of *The Assessment Amendment Act, 1957* and section 3 of *The Assessment Amendment Act, 1958*, is further amended by adding thereto the following subsection:

Rates for  
commercial  
property  
added to  
roll

(2a) Where the amount of a business assessment is entered in the collector's roll under clause *c* of subsection 1, the real property with respect to which such business assessment is computed shall, for the number of months remaining in the current year after the month in which the notice provided for in section 3 is delivered or sent, be liable to taxation at the rate levied under subsection 2 of section 308 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly.

R.S.O. 1950,  
c. 24, s. 51,  
subs. 3  
(1957, c. 2,  
s. 10),  
amended

(2) Subsection 3 of the said section 51, as re-enacted by section 10 of *The Assessment Amendment Act, 1957*, is amended by inserting after "assessment" in the sixth line "and, where applicable, the amount of the assessment of real property liable to taxation under subsection 2a", so that the subsection shall read as follows:

Notice and  
appeals

(3) Where an entry is made or is to be made in the collector's roll under this section, the assessor shall,

before

before the assessment is added to the collector's roll, deliver to or send by registered letter to the person to be taxed a notice setting out the amount of the assessment and, where applicable, the amount of the assessment of real property liable to taxation under subsection 2a, and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way, but for the purposes of an appeal made from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the collector's roll.

5.—(1) Section 51a of *The Assessment Act*, as enacted by R.S.O. 1950, c. 24, s. 51a section 3 of *The Assessment Amendment Act, 1951* and amended (1951, c. 4, s. 3), amended by section 13 of *The Assessment Amendment Act, 1952*, subsection 2 of section 13 of *The Assessment Amendment Act, 1955*, section 8 of *The Assessment Amendment Act, 1956* and section 11 of *The Assessment Amendment Act, 1957*, is further amended by adding thereto the following subsection:

(1a) Where real property in any year becomes liable to Amendment to roll taxation under subsection 2a of section 51, the clerk of the municipality shall amend accordingly the assessment roll prepared in that year.

(2) Subsection 2 of the said section 51a, as re-enacted by R.S.O. 1950, c. 24, s. 51a, subs. 2 (1957, c. 2, s. 11), re-enacted section 11 of *The Assessment Amendment Act, 1957*, is repealed and the following substituted therefor:

(2) Where an addition or amendment is made to the Notice and appeals assessment roll under this section, the assessor shall, before the assessment is added to the roll or the roll is amended, deliver to or send by registered letter to the person assessed a notice setting out the amount of the assessment and, where applicable, the amount of the assessment of real property liable to taxation under subsection 2a of section 51, and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way, but for the purposes of appeal from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the assessment roll or the roll is amended.

(3)

R.S.O. 1950,  
c. 24, s. 51a  
(1951, c. 4,  
s. 3), subs. 3,  
re-enacted

(3) Subsection 3 of the said section 51a, as amended by subsection 2 of section 13 of *The Assessment Amendment Act, 1955* and section 8 of *The Assessment Amendment Act, 1956*, is repealed and the following substituted therefor:

Last revised  
assessment  
roll, what  
to include

- (3) Notwithstanding section 54, where additions or amendments are made to an assessment roll under this section, the last revised assessment roll shall,
- (a) for the purpose of apportioning a tax levy or fixing and levying the rate of taxation in any year, be deemed to include the assessments added or amended under this section; and
  - (b) for the purpose of equalizing assessments between municipalities in a county, be deemed to include the assessments added under subsection 1.

R.S.O. 1950,  
c. 24, s. 69,  
subss. 1-3,  
re-enacted

**6.—**(1) Subsection 1, 2 and 3 of section 69 of *The Assessment Act* are repealed and the following substituted therefor:

Notice of  
complaint  
by person  
aggrieved

- (1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll or as having been undercharged or overcharged by the assessor in the roll may personally or by his agent give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality that he considers himself aggrieved for any or all of the causes aforesaid, and shall give a name and address where notices can be served by the clerk of the municipality as hereinafter provided.

Time within  
which  
notices of  
appeal to  
the court  
are to be  
given

- (2) The notice shall be given to the assessment commissioner or, if none, to the clerk of the municipality within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the roll is not returned within the time fixed for that purpose.

When  
elector  
thinks any  
person  
assessed at  
too low or  
too high a  
rate

- (3) If a person assessed thinks that any person has been assessed too low or too high or has been wrongly inserted in or omitted from the roll, he may, within the time limited by subsection 2, give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality and the clerk of the municipality shall give notice to such person and to the assessor of the time when the matter will be tried by the court of revision; and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

(2) Subsection 4 of the said section 69 is amended by inserting after "clerk" in the ninth line "of the municipality". R.S.O. 1950, c. 24, s. 69, subs. 4, amended

(3) Subsection 5 of the said section 69 is amended by striking out "court" in the first line and inserting in lieu thereof "municipality". R.S.O. 1950, c. 24, s. 69, subs. 5, amended

(4) Subsection 7 of the said section 69, as amended by section 7 of *The Assessment Amendment Act, 1954*, is further amended by striking out "court" in the first line and inserting in lieu thereof "municipality". R.S.O. 1950, c. 24, s. 69, subs. 7, amended

(5) Subsection 9 of the said section 69, as amended by subsection 1 of section 17 of *The Assessment Amendment Act, 1955*, is further amended by inserting after "clerk" in the amendment of 1955 "of the municipality". R.S.O. 1950, c. 24, s. 69, subs. 9, amended

(6) Subsection 10 of the said section 69 is amended by inserting after "clerk" in the first line "of the municipality". R.S.O. 1950, c. 24, s. 69, subs. 10, amended

(7) Subsection 11 of the said section 69 is amended by inserting after "clerk" in the first line "of the municipality". R.S.O. 1950, c. 24, s. 69, subs. 11, amended

(8) Subsection 12 of the said section 69 is amended by inserting after "clerk" in the second line "of the municipality". R.S.O. 1950, c. 24, s. 69, subs. 12, amended

(9) Subsection 14 of the said section 69 is amended by inserting after "clerk" in the third line "of the municipality". R.S.O. 1950, c. 24, s. 69, subs. 14, amended

(10) Subsection 16 of the said section 69, as amended by section 5 of *The Assessment Amendment Act, 1958*, is further amended by inserting after "clerk" in the ninth line "of the municipality". R.S.O. 1950, c. 24, s. 69, subs. 16, amended

(11) Subsection 21 of the said section 69 is amended by inserting after "clerk" in the first line "of the municipality". R.S.O. 1950, c. 24, s. 69, subs. 21, amended

(12) Subsection 22 of the said section 69, as amended by subsection 2 of section 17 of *The Assessment Amendment Act, 1955*, is further amended by striking out "clerk shall thereupon" in the second line and inserting in lieu thereof "clerk of the municipality shall within fourteen days", so that the subsection shall read as follows:

- (22) When the court of revision has heard and decided an appeal, the clerk of the municipality shall within fourteen days cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing of such appeal was

Notice of decision

given



given and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice.

R.S.O. 1950,  
c. 24, s. 70,  
amended

**7.** Section 70 of *The Assessment Act* is amended by inserting after "clerk" in the ninth line "of the municipality".

R.S.O. 1950,  
c. 24, s. 72,  
subs. 2  
(1955, c. 4,  
s. 18),  
re-enacted

**8.**—(1) Subsection 2 of section 72 of *The Assessment Act*, as re-enacted by section 18 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

Notice of  
appeal to  
clerk

(2) The person appealing shall personally or by his agent give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality within ten days after notice of the decision of the court of revision has been given by the clerk of the municipality under subsection 22 of section 69 of his intention to appeal to the county judge.

R.S.O. 1950,  
c. 24, s. 72,  
subs. 4,  
amended

(2) Subsection 4 of the said section 72 is amended by inserting after "clerk" in the first and third lines respectively "of the municipality".

R.S.O. 1950,  
c. 24, s. 72,  
subs. 5,  
amended

(3) Subsection 5 of the said section 72 is amended by inserting after "clerk" in the first and fourth lines respectively "of the municipality".

R.S.O. 1950,  
c. 24, s. 72,  
subs. 8,  
amended

(4) Subsection 8 of the said section 72 is amended by striking out "31st day of December in the year in which the appeals are made" in the fifth and sixth lines and inserting in lieu thereof "30th day of January in the year following that in which the appeals were made", so that the subsection shall read as follows:

When  
appeals  
to be  
determined

(8) At the court so held, the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 30th day of January in the year following that in which the appeals were made.

R.S.O. 1950,  
c. 24, s. 72,  
subs. 9,  
amended

(5) Subsection 9 of the said section 72 is amended by striking out "31st day of December in the year in which the appeals are made" in the seventh and eighth lines and inserting in lieu thereof "30th day of January in the year following that in which the appeals were made", so that the subsection shall read as follows:

Judge to  
hear appeals  
continuously  
where roll  
returned by  
wards, etc.

(9) Where the assessment is taken and the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions in any municipality,

the

the county judge shall arrange from time to time throughout the year to sit and hear appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, but so that all appeals are determined not later than the 30th day of January in the year following that in which the appeals were made.

(6) Subsection 10 of the said section 72 is amended by striking out "February" in the third and fourth lines and inserting in lieu thereof "March", so that the subsection shall read as follows:

- (10) Where in any county a county court of revision has been constituted, the time for the judge to determine appeals from such court shall be not later than the 15th day of March in the year following that in which the appeals to such court were made.

(7) The said section 72 is amended by adding thereto the following subsection:

- (11a) Where the judge dies or becomes incapable before hearing an appeal or determining an appeal, the clerk of the municipality shall forthwith notify in writing the succeeding judge or acting judge of the appeal and such judge shall hear and determine such appeal, and the times for determining the appeals under subsections 8, 9 and 10 shall not apply.

9.—(1) Subsection 1 of section 79 of *The Assessment Act*, as re-enacted by section 7 of *The Assessment Amendment Act, 1951*, is amended by inserting after "clerk" in the first line "of the municipality".

(2) Subsection 2 of the said section 79, as amended by section 19 of *The Assessment Amendment Act, 1955*, is further amended by striking out "clerk shall thereupon" in the second line and inserting in lieu thereof "clerk of the municipality shall within fourteen days", so that the subsection shall read as follows:

- (2) When the judge has heard and decided an appeal, the clerk of the municipality shall within fourteen days cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

R.S.O. 1950,  
c. 24, s. 109,  
subs. 1,  
re-enacted

**10.** Subsection 1 of section 109 of *The Assessment Act* is repealed and the following substituted therefor:

Notice of  
taxes by  
collector

- (1) In cities, towns, villages and townships, the collector shall give to the person taxed a written or printed notice specifying the amount of the taxes payable by him by delivering the notice or causing it to be delivered to him or for him at his residence or place of business or upon the premises in respect of which the taxes are payable, and may call on the person taxed at his usual residence or place of business if within the municipality in and for which the collector has been appointed and demand payment of the taxes.

R.S.O. 1950,  
c. 24, s. 124,  
subs. 6  
(1956, c. 3,  
s. 18,  
subs. 4),  
amended

**11.** Subsection 6 of section 124 of *The Assessment Act*, as re-enacted by subsection 4 of section 18 of *The Assessment Amendment Act, 1956*, is amended by striking out "clerk of the municipality or to the assessment commissioner, if any" in the second and third lines and inserting in lieu thereof "assessment commissioner or, if none, the clerk of the municipality", so that the subsection shall read as follows:

Notice of  
appeal

- (6) The person appealing shall personally or by his agent give notice in writing to the assessment commissioner or, if none, the clerk of the municipality within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 4, of his intention to appeal to the county judge.

R.S.O. 1950,  
c. 24,  
Form 3,  
amended

**12.** Form 3 of *The Assessment Act*, as amended by section 22 of *The Assessment Amendment Act, 1956*, is further amended by striking out "Clerk or Assessment Commissioner" where it occurs in the first paragraph and in the Notice of Appeal from Assessment, respectively, and inserting in lieu thereof "Assessment Commissioner or, if none, the clerk of the municipality".

Commence-  
ment

**13.**—(1) This Act, except sections 1, 2, 3, 4 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3, 4 and 5 shall be deemed to have come into force on the 1st day of January, 1959.

Short title

**14.** This Act may be cited as *The Assessment Amendment Act, 1959*.

## CHAPTER 7

## An Act to amend The Beach Protection Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Beach Protection Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 32, s. 3,  
subs. 2,  
re-enacted

(2) Subsection 1 does not apply to the removal of sand,

Where  
licence not  
required

(a) by a municipality for municipal use; or

(b) by a *bona fide* resident of Ontario for his personal use and not for resale or for use for commercial purposes,

if the removal is with the written consent of an official designated by the council of the local municipality in which the sand is situate.

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Beach Protection Amendment Act, 1959*.

Short title





## CHAPTER 8

**An Act to provide for the  
Confirmation of Boundaries of Lands**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "block outline survey" means a survey in which outline monuments are placed at suitable points at or near some or all highway intersections or angles in highway boundaries, or, in cases where no highway exists, then at other suitable points;
- (b) "complete survey" means a survey that defines on the ground every angle of every parcel in the area surveyed;
- (c) "director" means the director of titles appointed under *The Land Titles Act*; R.S.O. 1950,  
c. 197
- (d) "examiner" means the examiner of surveys appointed under *The Land Titles Act*;
- (e) "monument" means a post, stake, peg, stone, mound, pit or other object or device used to define the position of a boundary corner or line;
- (f) "outline monument" means a monument that defines a position in a block outline survey made under this Act or *The Land Titles Act*, or a monument that defines a block corner in a subdivision survey, or a monument that defines a highway boundary;
- (g) "parcel" means lot, block or other area into which land is divided;
- (h) "proper master of titles" means the master of titles or local master of titles in whose office the land

described

described in or affected by an application under this Act is or may be registered;

- (i) "surveyor" means Ontario land surveyor authorized to practise under *The Land Surveyors Act*.

R.S.O. 1950,  
c. 196

Adminis-  
tration

**2.—**(1) This Act shall be administered by the director.

Idem

R.S.O. 1950,  
c. 197

(2) In the administration of this Act, the deputy director of titles appointed under *The Land Titles Act* and the examiner shall act under the supervision of the director.

Deputy  
director

(3) In the absence of the director or if the office of director is vacant or if directed by the director, the deputy director of titles shall act as director for the purposes of this Act and, while so acting, he shall have and may exercise and perform the powers and duties of the director under this Act.

Assistant  
deputy  
directors

**3.** The Lieutenant-Governor in Council may appoint one or more assistant deputy directors of titles for the purposes of this Act.

Powers of  
director

R.S.O. 1950,  
c. 308

**4.** The director has and may exercise in connection with his functions under this Act all of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Application  
for confir-  
mation of  
existing  
survey

**5.—**(1) An application to the director to have the boundaries of a parcel that were established by a survey confirmed under this Act may be made by,

- (a) the owner;
- (b) the council of the municipality in which the parcel is situate;
- (c) the Minister of Highways;
- (d) the Inspector of Legal Offices;
- (e) the proper master of titles;
- (f) the Surveyor-General under *The Public Lands Act*; or
- (g) the Surveyor-General under the *Canada Lands Surveys Act* (Canada).

R.S.O. 1950,  
c. 309

R.S.C. 1952,  
c. 26

Additional  
survey  
work

(2) Upon receipt of an application under this section, the director may appoint a surveyor to do such additional survey work as he may require.

**6.**—(1) Where,Application  
for survey  
and con-  
firmation

- (a) an error appears in or doubt exists as to the accuracy of a survey or plan of a parcel or as to the true location of any of its boundaries;
- (b) a difference exists or is thought to exist between the occupational boundaries of a parcel and the boundaries as shown on a registered plan of subdivision or other plan or in the description in the instrument under which the parcel is held or in the title register; or
- (c) the boundaries of a parcel are not shown on a registered plan of subdivision,

an application to the director to have the parcel surveyed and the boundaries that are established by the survey confirmed under this Act may be made by,

- (d) the owner;
- (e) the council of the municipality in which the parcel is situate;
- (f) the Inspector of Legal Offices; or
- (g) the proper master of titles.

(2) Upon receipt of an application under this section, the director may appoint a surveyor to make a survey and plan of the parcel.

**7.** The director of his own accord upon finding any of the conditions prescribed in section 6 to exist in respect of any parcel may appoint a surveyor to make a survey and plan of the parcel.

Where  
director  
may order  
survey  
*sua sponte*

**8.**—(1) The director may order any survey under this Act to be made in whole or in part as a block outline survey or as a complete survey.

Method of  
survey

(2) The director may give such instructions to the surveyor as he considers necessary and the surveyor shall comply therewith.

Instructions

**9.** When a surveyor has completed the work ordered to be done under section 5, 6 or 7, he shall, notwithstanding *The Surveys Act, 1958*, deposit the plan and original field notes of the survey with the director.

Deposit of  
plan and  
field notes  
1958, c. 107



Notice of  
time and  
place of  
hearing  
objections

**10.**—(1) When a plan and field notes have been deposited under section 9, the director shall cause a notice thereof,

(a) to be published in *The Ontario Gazette*; and

(b) to be given in such manner and to such persons as the director deems proper,

setting forth the purpose of the survey and the day, hour and place that he has fixed for hearing the objections of any person thereto.

Copy of  
plan

(2) The director shall furnish a copy of the plan to any person who applies therefor.

Written  
statement  
of  
objections

**11.** Any person desiring to object to the survey or plan shall deliver to the director by registered mail or by personal service not less than three days before the day fixed for the hearing a written statement setting forth the nature and grounds of his objections.

Hearing  
and  
confirmation

**12.**—(1) Upon the hearing, the director may dispose of any objections in such manner as he deems just and equitable under all the circumstances and may confirm the survey and plan, or, if he thinks proper to do so, may order that the survey and plan be amended in such manner as he directs in which case he may confirm the survey and plan as so amended.

Notice of  
confirmation

(2) Notice of the confirmation shall be given in the same manner and to the same persons as the notice of the hearing was given under subsection 1 of section 10.

Appeal  
from  
confirmation

**13.**—(1) Any person objecting to the confirmation may appeal to a judge of the Supreme Court who may decide the matter on the evidence before him or direct the trial of an issue and may dismiss the appeal or order the director to amend the survey and plan in such manner as the judge deems proper.

Notice of  
appeal

(2) Notice of an appeal under this section shall be served upon the director within twenty days after the date of the publication in *The Ontario Gazette* of the notice of confirmation.

Certificate  
of  
confirmation

**14.** When the period of twenty days mentioned in section 13 has elapsed and no appeal has been taken or, if taken, has been disposed of, the director may certify his confirmation of the plan of survey and the certificate is conclusive that every application, notice, publication, proceeding and act which ought to have been made, given or done has been made, given or done in accordance with this Act.

**15.**—(1) The boundaries fixed by the survey and plan that have been certified by the director and defined by the monuments shown on the plan under this Act shall, notwithstanding any other Act, be deemed to be the true boundaries of the parcel. Effect of certificate

(2) Nothing in this Act affects the establishment or re-establishment of lines under *The Surveys Act, 1958*, other than the boundaries fixed under this Act. Saving 1958, c. 107

**16.** Where the owners of adjoining parcels consent to the establishment of their mutual boundaries by a survey and plan made under this Act, the director may confirm and certify the survey and plan of those boundaries and sections 10, 11, 12 and 13 do not apply. Boundaries established by consent

**17.**—(1) When a plan has been certified under this Act by the director, he shall register it in the proper land titles or registry office and where the land is in a municipality he shall deliver a duplicate plan to the clerk of that municipality. Registration, etc.

(2) A plan registered under subsection 1 supersedes all corresponding portions of all former registered plans and descriptions and such alterations in the records of the land titles or registry office, as the case may be, as are necessary to give effect thereto shall be made. Effect of registration

**18.** Notwithstanding section 112 of *The Land Titles Act* or subsection 18 of section 84 of *The Registry Act*, a plan certified under this Act may be registered under *The Land Titles Act* or *The Registry Act*, as the case may be, without any approval under *The Planning Act, 1955*. 1955, c. 61 not to apply R.S.O. 1950, cc. 197, 336

**19.** When a survey and plan have been certified under this Act, the director may order the removal of any monument that conflicts with any monument placed under this Act. Monuments

**20.**—(1) No claim shall be made against the Assurance Fund established under *The Certification of Titles Act, 1958* or against the Assurance Fund established under *The Land Titles Act* in consequence of the boundaries of land having been certified under this Act. No claim against assurance funds 1958, c. 9

(2) The protection afforded the assurance funds under this section extends to an insurer who has issued a policy of title insurance as defined by paragraph 60a of section 1 of *The Insurance Act*. Title insurance R.S.O. 1950, c. 183

Regulations     **21.** The Lieutenant-Governor in Council may make regulations,

- (a) requiring and providing for a cash or other deposit on applications;
- (b) requiring the payment of fees upon the performance of any function under this Act and prescribing the amounts thereof;
- (c) prescribing the procedures to be followed with respect to matters under this Act by masters of titles and registrars of deeds;
- (d) prescribing the forms to be used;
- (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Short title     **22.** This Act may be cited as *The Boundaries Act, 1959*.

## CHAPTER 9

## The Bulk Sales Act, 1959

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "buyer" means a person who acquires stock in bulk;
- (b) "court" means the county or district court of the county or district in which the seller's stock or a substantial part thereof is located or the seller's business or trade or a substantial part thereof is carried on at the time of the sale in bulk; *New.*
- (c) "creditor" means any creditor, including an unsecured trade creditor and a secured trade creditor; R.S.O. 1950, c. 42, s. 1, cl. (b), *amended.*
- (d) "judge" means a judge of the court; R.S.O. 1950, c. 42, s. 1, cl. (c), *amended.*
- (e) "proceeds of the sale" includes the purchase price and any security therefor or for any part thereof, and any other consideration payable to the seller or passing from the buyer to the seller on a sale in bulk, and the moneys realized by a trustee under a security or by the sale or other disposition of any property coming into his hands as the consideration or part of the consideration for the sale, less the proper and reasonable costs of the seller's solicitor for completing the sale;
- (f) "sale", whether used alone or in the expression "sale in bulk", includes a transfer, conveyance, barter or exchange, but does not include a pledge, charge or mortgage; *New.*
- (g) "sale in bulk" means a sale of stock in bulk out of the usual course of business or trade of the seller; R.S.O. 1950, c. 42, s. 6 (1), *part, amended.*

(h)

- (h) "secured trade creditor" means a person to whom a seller is indebted for stock, money, or services, furnished for the purpose of enabling the seller to carry on a business, whether or not the debt is due, and who holds security or who is entitled to a preference in respect of his claim;
- (i) "sell" has a meaning similar to "sale";
- (j) "seller" means a person who sells stock in bulk; *New*.
- (k) "stock" means,
  - (i) goods, wares, merchandise or chattels ordinarily the subject of trade and commerce,
  - (ii) the goods, wares, merchandise or chattels in which a person trades or that he produces or that are the output of a business, or
  - (iii) the fixtures, goods and chattels with which a person carries on a trade or business; R.S.O. 1950, c. 42, s. 1, cl. (d), *amended*.
- (l) "stock in bulk" means stock or part thereof that is the subject of a sale in bulk and all other property, real or personal, that together with stock is the subject of a sale in bulk;
- (m) "unsecured trade creditor" means a person to whom a seller is indebted for stock, money, or services, furnished for the purpose of enabling the seller to carry on a business, whether or not the debt is due, and who holds no security or who is entitled to no preference in respect of his claim. *New*.

Application  
of Act

R.S.C. 1952,  
c. 14

**2.** This Act applies to every sale in bulk except a sale in bulk by an executor, an administrator, a receiver, an assignee or trustee for the benefit of creditors, a trustee under the *Bankruptcy Act* (Canada), a liquidator or official receiver, or a public official acting under judicial process. R.S.O. 1950, c. 42, s. 7, *amended*.

Judicial  
exemption

**3.—(1)** A seller may apply to a judge for an order exempting a sale in bulk from the application of this Act, and the judge, if he is satisfied, on the affidavit of the seller and any other evidence, that the sale is advantageous to the seller and will not impair his ability to pay his creditors in full, may make the order, and thereafter this Act, except section 8, does not apply to the sale.



(2) The judge may require notice of the application for the order to be given to the creditors of the seller or such of them as he directs, and he may in the order impose such terms and give such directions with respect to the disposition of the proceeds of the sale or otherwise as he deems fit. *New.*

4.—(1) The buyer, before paying or delivering to the seller any part of the proceeds of the sale, other than the part mentioned in section 6, shall demand of and receive from the seller, and the seller shall deliver to the buyer, a statement verified by the affidavit of the seller (Form 1).

(2) The statement shall show the names and addresses of the unsecured trade creditors and the secured trade creditors of the seller and the amount of the indebtedness or liability due, owing, payable, or accruing due, or to become due and payable by the seller to each of them, and, with respect to the claims of the secured trade creditors, the nature of their security and whether their claims are due or, in the event of sale, become due on the date fixed for the completion of the sale. R.S.O. 1950, c. 42, s. 2, *part, amended.*

5. From and after the delivery of the statement mentioned in section 4, no preference or priority is obtainable by any creditor of the seller in respect of the stock in bulk, or the proceeds of the sale thereof, by attachment, garnishment proceedings, contract or otherwise. R.S.O. 1950, c. 42, s. 4 (3), *amended.*

6. The buyer may, before he receives the statement mentioned in section 4, pay to the seller on account of the purchase price a sum not exceeding 10 per cent of the purchase price which shall form part of the proceeds of sale and which the seller shall hold in trust,

- (a) for the buyer until completion of the sale, or, if the sale is not completed and the buyer becomes entitled to repayment of it, until it is repaid to the buyer; or
- (b) where the sale is completed and a trustee has been appointed, for the trustee until the seller complies with clause *b* of section 11. R.S.O. 1950, c. 42, s. 2, *part, amended.*

7.—(1) Before any part of the proceeds of a sale in bulk, other than the part mentioned in section 6, is paid or delivered to the seller, he shall cause a notice of the sale and the address at which notice may be given to the buyer of the claims of unsecured trade creditors and secured trade creditors of the seller to be published once in *The Ontario Gazette* and he shall deliver to the buyer an affidavit verifying such publication.

**Idem** (2) No sale in bulk shall be completed until after the expiry of at least five days following such publication. *New.*

**Particulars** 8. Any creditor of a seller is entitled to demand of the seller or the buyer, in which case the seller or the buyer, as the case may be, shall forthwith deliver to the creditor, particulars in writing of the sale in bulk. *New.*

**Completion of sale** 9.—(1) Where sections 4 and 7 have been complied with, the buyer may pay or deliver the proceeds of the sale to the seller and thereupon acquire the property of the seller in the stock in bulk,

- (a) if the statement mentioned in section 4 discloses that the claims of the unsecured trade creditors and the secured trade creditors of the seller do not exceed a total of \$5,000 and the buyer has no notice that the claims of the unsecured trade creditors and the secured trade creditors of the seller exceed \$5,000; or
- (b) if the seller delivers a statement verified by his affidavit showing that the claims of all unsecured trade creditors and all secured trade creditors of the seller of which the buyer has notice have been paid in full; or
- (c) if adequate provision has been made for the immediate payment in full of all claims of the unsecured trade creditors of the seller of which the buyer has notice and of all claims of secured creditors of the seller which are or become due and payable upon completion of the sale of which the buyer has notice, so long as their claims are paid in full forthwith after completion of the sale, but where any such creditor has delivered a waiver (Form 2) no provision need be made for the immediate payment of his claim. R.S.O. 1950, c. 42, s. 4 (1), *part, amended.*

**Idem** (2) Where sections 4 and 7 have been complied with, the buyer may pay or deliver the proceeds of the sale to the trustee and thereupon acquire the property of the seller in the stock in bulk, if the seller delivers to the buyer,

- (a) the consent to the sale (Form 3) of unsecured trade creditors of the seller representing not less than 60 per cent in number and amount of the claims that exceed \$50 of all the unsecured trade creditors of the seller of whose claims the buyer has notice; and
- (b) an affidavit of the seller deposing that he delivered or caused to be delivered to all of his unsecured trade

creditors and secured trade creditors personally or by registered mail addressed to them at their last known addresses at least fourteen days before the date fixed for the completion of the sale copies of the contract of the sale in bulk, the statement mentioned in subsection 1 of section 4, and the statement of affairs (Form 4), and deposing that the affairs of the seller as disclosed in the statement of affairs have not materially changed since it was made. R.S.O. 1950, c. 42, s. 6 (2, 3), *amended*.

(3) Duplicate originals of the documents mentioned in clause *b* of subsection 2 shall be attached as exhibits to the affidavit mentioned therein. Documents to be exhibited

**10.**—(1) Where a sale in bulk is being completed under subsection 2 of section 9, a trustee shall be appointed, Appointment of trustee

(a) by the seller with the consent (Form 3) of his unsecured trade creditors representing not less than 60 per cent in number and amount of the claims that exceed \$50 of the unsecured trade creditors as shown by the statement mentioned in section 4; or

(b) by a judge upon the application of any person interested where the unsecured trade creditors of the seller representing not less than 60 per cent in number and amount of the claims that exceed \$50 as shown by the statement mentioned in section 4 have consented to the sale in bulk but have not consented to the appointment of a trustee, or where the trustee appointed under clause *a* is unable or unwilling to act. R.S.O. 1950, c. 42, s. 9, *amended*.

(2) Every trustee shall forthwith give security in cash or by bond of a guarantee company satisfactory to a judge for the due accounting for all property received by him as trustee and for the due and faithful performance of his duties, and the security shall be deposited with the clerk of the court and shall be given in favour of the creditors generally and may be enforced by any succeeding trustee or by any one of the creditors on behalf of all by direction of the judge and the amount of the security may be increased or decreased by the judge at any time. *New*. Security

**11.** Where a sale in bulk is completed under subsection 2 of section 9, When proceeds of sale to be paid over to trustee

(a) the seller shall deliver to the trustee a statement verified by the affidavit of the seller showing the names and addresses of all creditors of the seller and

the

the amount of the indebtedness or liability due, owing, payable or accruing due, or to become due and payable by the seller to each of them; and

(b) the seller shall pay to the trustee all moneys received by him from the buyer on account of the purchase price under section 6; and

(c) the buyer shall pay or deliver the balance of the proceeds of the sale to the trustee. *New.*

Filings on  
completion  
of sale

**12.**—(1) Within five days after the completion of a sale in bulk, the buyer shall file in the office of the clerk of the court an affidavit setting out the particulars of the sale and the name and address of the trustee, if any, and exhibiting duplicate originals of the bill of sale, the statement mentioned in section 4, the affidavit mentioned in section 7, the statement, if any, mentioned in clause *b* of subsection 1 of section 9, the waivers, if any, mentioned in clause *c* of subsection 1 of section 9 and the consent and affidavit, if any, mentioned in subsection 2 of section 9.

Failure  
to file

(2) If the buyer fails to comply with subsection 1, a judge may at any time,

(a) upon the application of the trustee or any creditor, order the buyer to comply therewith; or

(b) upon the application of the buyer, extend the time for compliance therewith. *New.*

Distribution  
of proceeds  
of sale

**13.**—(1) Where the proceeds of the sale are paid or delivered to a trustee under section 11, the trustee is a trustee for the general benefit of the creditors of the seller and he shall distribute the proceeds of the sale among the creditors of the seller, and in making the distribution all creditors' claims shall be proved in like manner and are subject to like contestation before a judge and, subject to section 14, are entitled to like priorities as in the case of a distribution under the *Bankruptcy Act* (Canada), as amended or re-enacted from time to time, and shall be determined as of the date of the completion of the sale. R.S.O. 1950, c. 42, s. 4 (1), *part, amended.*

R.S.C. 1952,  
c. 14

Notice

(2) Before making the distribution, the trustee shall cause a notice thereof to be published in at least two issues of a newspaper having general circulation in the locality in which the stock in bulk was situated at the time of the sale, and the trustee shall not make the distribution until at least fourteen days after the last of such publications.



(3) Upon notice to the trustee within thirty days after the date of the filing of the documents mentioned in section 12 that a petition for a receiving order against the seller has been filed, the trustee shall not distribute the proceeds of the sale until the final disposition of the petition and, where a receiving order is made pursuant to the petition, the trustee shall pay the proceeds of the sale, after deducting therefrom his fee and disbursements, to the trustee appointed by the receiving order.  
*New.*

**14.** Nothing in this Act affects the rights of any municipality under *The Assessment Act*. *New.*

**15.—**(1) Subject to subsection 3, the fee of the trustee shall be as follows:

- 1. Where the proceeds of the sale do not exceed \$5,000..... \$ 250
- 2. Where the proceeds of the sale exceed \$5,000 but do not exceed \$25,000..... 250  
plus 3 per cent of the amount by which the proceeds of the sale exceed \$5,000
- 3. Where the proceeds of the sale exceed \$25,000 but do not exceed \$100,000..... 850  
plus 2 per cent of the amount by which the proceeds of the sale exceed \$25,000
- 4. Where the proceeds of the sale exceed \$100,000..... 2,350  
plus 1 per cent of the amount by which the proceeds of the sale exceed \$100,000

(2) In the absence of an arrangement between the seller and the trustee to the contrary, the fee, together with any disbursements made by the trustee, shall be deducted by him from the moneys to be paid to the creditors.

(3) Where the proceeds of the sale exceed the amount required to pay in full all indebtedness of the seller to his creditors, the fee of the trustee together with any disbursements made by the trustee shall be deducted by him from the excess proceeds to the extent of that excess, and any sum remaining unpaid thereafter shall be paid as provided in subsection 1. R.S.O. 1950, c. 42, s. 4 (2), *amended*.

**16.** Any affidavit required to be made under this Act by a seller,

- (a) if the seller is a partnership, shall be made severally by all of the partners; or

(b)

- (b) if the seller is a corporation, shall be made by an officer or director of the corporation and shall state that the deponent has a personal knowledge of the facts deposed to. *New.*

Effect  
of non-  
compliance  
with Act

**17.** Unless this Act is complied with, a sale in bulk is voidable as against the creditors of the seller, and, if the buyer has received or taken possession of the stock in bulk, he is personally liable to account to the creditors of the seller for the value thereof, including all moneys, security or property realized or taken by him from, out of, or on account of, the sale or other disposition by him of the stock in bulk. R.S.O. 1950, c. 42, ss. 3, 5, *amended.*

Who may  
bring  
action

**18.** An action or proceeding to set aside or have declared void a sale in bulk may be brought or taken by any creditor of the seller, and, if the seller is adjudged bankrupt, by the trustee of his estate. *New.*

Burden  
of proof

**19.** In an action or proceeding in which a sale in bulk is attacked or comes in question, whether directly or indirectly, the burden of proof that this Act has been complied with is upon the person upholding the sale in bulk. *New.*

Limitation  
of action,  
etc.

**20.** No action shall be brought or proceeding taken to set aside or have declared void a sale in bulk for failure to comply with this Act unless the action is brought or the proceeding taken within six months from the date on which the documents were filed under section 12. R.S.O. 1950, c. 42, s. 8, *amended.*

R.S.O. 1950,  
c. 42,  
repealed

**21.** *The Bulk Sales Act* is repealed.

Short title

**22.** This Act may be cited as *The Bulk Sales Act, 1959.*

FORM 1

(Section 4 (1) )

*The Bulk Sales Act, 1959*

STATEMENT AS TO SELLER'S CREDITORS

Statement showing names and addresses of all unsecured trade creditors and secured trade creditors of .....

of the ..... of ..... in the ..... of ..... and the amount of the indebtedness or liability due, owing, payable or accruing due or to become due by him to each of them.

UNSECURED TRADE CREDITORS

Name of Creditor	Address	Amount

SECURED TRADE CREDITORS

Name of Creditor	Address	Amount	Nature of Security	Due or becoming due on the date fixed for the completion of the sale

I, ....., of the ..... of ....., in the ..... of ....., ..... make oath and say:

1. That the foregoing statement is a true and correct statement
- (a) of the names and addresses of all the unsecured trade creditors of the said ..... and of the amount of the indebtedness or liability due, owing, payable or accruing due or to become due and payable by the said ..... to each of the said unsecured trade creditors; and

(b) of the names and addresses of all the secured trade creditors of the said ..... and of the amount of the indebtedness or liability due, owing, payable or accruing due or to become due and payable by the said ..... to each of the said secured creditors, the nature of their security, and whether they are or in the event of sale will become due and payable on the date fixed for the completion of the sale.

*(and, if the seller is a corporation)*

2. That I am ..... of the Corporation, and have a personal knowledge of the facts herein deposed to.

SWORN before me, etc. |

FORM 2

(Section 9 (1) (c) )

*The Bulk Sales Act, 1959*

WAIVER

In the matter of the sale in bulk

BETWEEN

*Seller*

— and —

*Buyer*

I, ....., of the ..... of .....,  
in the ..... of ....., a secured

an unsecured trade  
creditor of the above-named seller, hereby waive the provisions of *The Bulk Sales Act, 1959*, which require that adequate provision be made for the immediate payment in full of my claim forthwith after completion of the sale, and I hereby acknowledge and agree that the buyer may pay or deliver the proceeds of the sale to the seller and thereupon acquire the property of the seller in the stock without making provision for the immediate payment of my claim and that any right to recover payment of my claim may, unless otherwise agreed, be asserted against the seller only.

DATED at ..... this ..... day of ....., 19...

Witness:

|

*New.*

## FORM 3

*(Sections 9 (2) (a) and 10 (1) (a) )**The Bulk Sales Act, 1959*

## CONSENT

In the matter of the sale in bulk

BETWEEN:

*Seller*

— and —

*Buyer*

I, ....., of the ..... of .....

in the ..... of ....., an unsecured trade creditor of the above named seller, hereby acknowledge and agree:

1. that I have received,

(a) a copy of the statement showing the names and addresses of the unsecured trade creditors and the amount of the indebtedness or liability due, owing, payable or accruing due or to become due and payable by the seller, and showing the names and addresses of his secured trade creditors, the nature of their security and whether their claims are or, in the event of sale, become due on the date fixed for completion of the sale, and the amount of the indebtedness or liability due, or owing, payable or accruing due or to become due and payable by the seller;

(b) a statement of the affairs of the seller; and

(c) a copy of the contract of the sale in bulk;

2. that I consent to the sale; and

3. that I consent to the appointment of ..... as trustee.

DATED at ....., this ..... day of ....., 19....

Witness:

*New.*



FORM 4

(Section 9 (2) (b) )

The Bulk Sales Act, 1959

STATEMENT OF AFFAIRS

Assets included in the Sale in Bulk

(a) Amount of the proceeds of the sale..... \$.....

Assets not included in the Sale in Bulk

(b) Stock-in-trade at cost price not exceeding fair value \$.....

(c) Trade fixtures, fittings, utensils, etc..... \$.....

(d) Book debts—Good..... \$.....

Doubtful..... \$.....

Bad..... \$.....

Estimated to produce..... \$.....

(e) Bills of exchange, promissory notes, etc..... \$.....

(f) Cash in bank..... \$.....

(g) Cash on hand..... \$.....

(h) Livestock..... \$.....

(i) Machinery, equipment and plant..... \$.....

(j) Real estate..... \$.....

(k) Estimated value of securities in hands of secured

creditors..... \$.....

(l) Furniture..... \$.....

(m) Life insurance policies..... \$.....

(n) Stocks and bonds..... \$.....

(o) Interest in estates..... \$.....

(p) Other property, viz..... \$.....

Total..... \$.....

Liabilities

(q) Unsecured trade creditors..... \$.....

(r) Secured trade creditors..... \$.....

(s) Preferred creditors..... \$.....

(t) All other liabilities, except contingent liabilities set  
out below..... \$.....

Total..... \$.....

Surplus or deficiency..... \$.....

Contingent Liabilities

(u) Liabilities under endorsements and guarantees.... \$.....

(v) All other contingent liabilities..... \$.....

Total..... \$.....

I, ....., of the ..... of .....,  
in the ..... of ....., make oath  
and say that the above statement is to the best of my knowledge and belief a full, true  
and complete statement of my affairs on the ..... day of .....,  
19. . . ., (which date shall not be more than 30 days before the date of the affidavit) and fully  
discloses all my property of every description.

SWORN before me, etc.

|

New.

## CHAPTER 10

## An Act to amend The Cemeteries Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 35 of *The Cemeteries Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 46, s. 35,  
subs. 2,  
re-enacted

(2) Before the application for an order under subsection 1 is granted, the owner shall give notice of the application.

Notice of  
application

(a) once a week for four successive weeks in *The Ontario Gazette*;

(b) once a week for four successive weeks in a newspaper having a general circulation in the locality in which the cemetery is situate; and

(c) by registered letter addressed to every plot owner in the cemetery whose address is known or can be ascertained by the owner.

2. This Act may be cited as *The Cemeteries Amendment Act, 1959*.

Short title



## CHAPTER 11

# **An Act to amend The Certification of Titles Act, 1958**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Certification of Titles Act, 1958* is amended by inserting after "of" in the first line "or any person claiming", so that the subsection shall read as follows: <sup>1958, c. 9, s. 6, subs. 1, amended</sup>

- (1) An owner of or any person claiming an estate in fee simple in land to which this Act applies, whether or not the land is encumbered, may apply to the director of titles to have the title to the land investigated and certified under this Act. <sup>Application for certification</sup>

2. Section 13 of *The Certification of Titles Act, 1958* is amended by striking out "title of the owner of the land described therein is absolute and indefeasible" in the third and fourth lines and inserting in lieu thereof "person named therein as owner has an absolute and indefeasible title to the land described therein", so that the section shall read as follows: <sup>1958, c. 9, s. 13, amended</sup>

13. Upon registration under section 12, a certificate of title is conclusive as of the day, hour and minute named therein that the person named therein as owner has an absolute and indefeasible title to the land described therein as regards the Crown and all persons whomsoever, subject only to the qualifications mentioned therein, and is conclusive that every application, notice, publication, proceeding and act which ought to have been made, given and done before the making of the certificate has been made, given and done in accordance with this Act. <sup>Effect of certificate of title</sup>

3. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

4. This Act may be cited as *The Certification of Titles Amendment Act, 1959*. <sup>Short title</sup>





## CHAPTER 12

## An Act to amend The Change of Name Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Change of Name Act*, as amended by R.S.O. 1950, c. 47, s. 3, section 2 of *The Change of Name Amendment Act, 1951*, is re-enacted repealed and the following substituted therefor:

3.—(1) Any person who is a British subject and who is <sup>Who may apply</sup> at least eighteen years of age, except a married woman, may make an application.

(2) Where the applicant is an infant, he shall be deemed <sup>Infants deemed of full age</sup> to be of full age for all purposes of this Act.

2. Clause *k* of subsection 1 of section 12 of *The Change of Name Act* is amended by striking out “ages” in the first line and inserting in lieu thereof “dates and places of birth”, so <sup>R.S.O. 1950, c. 47, s. 12, subs. 1, cl. k, amended</sup> that the clause shall read as follows:

(*k*) the names, dates and places of birth and other similar particulars with respect to all other persons whose names may be changed as a result of the application.

3. Subsection 3 of section 13 of *The Change of Name Act*, <sup>R.S.O. 1950, c. 47, s. 13, subs. 3</sup> as enacted by section 2 of *The Change of Name Amendment Act, 1951*, is repealed and the following substituted therefor: <sup>(1957, c. 9, s. 2), re-enacted</sup>

(3) A judge may by order dispense with the necessity of publishing notice of the application as required <sup>Where notice of application may be dispensed with</sup> by subsection 1 if in his opinion,

(*a*) the applicant would be unduly prejudiced or embarrassed by such publication;

(*b*) the change of name applied for is of a minor character; or

(*c*)

(c) the applicant has been commonly known under the name applied for.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Change of Name Amendment Act, 1959*.

## CHAPTER 13

## The Charitable Gifts Act, 1959

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law. <sup>Interpre-</sup>  
*New.*

**2.**—(1) Notwithstanding the provisions of any general or special Act, letters patent, by-law, will, codicil, trust deed, agreement or other instrument, wherever an interest in a <sup>Where</sup> <sup>interest</sup> <sup>to be</sup> <sup>disposed</sup> <sup>of</sup> business that is carried on for gain or profit is given to or vested in a person in any capacity for any religious, charitable, educational or public purpose, such person has power to dispose of and shall dispose of such portion thereof that represents more than a 10 per cent interest in such business.

(2) Subsection 1 does not apply to an interest in a business <sup>Exception</sup> given to or vested in any organization of any religious denomination.

(3) Where an interest to which subsection 1 applies is <sup>Life</sup> <sup>interests,</sup> <sup>etc.</sup> subject to a life interest, life annuity or income for life, so much of the interest as is necessary to provide such life interest, life annuity or income for life shall be deemed to be given or vested when such life interest, life annuity or income for life ceases to exist. R.S.O. 1950, c. 48, s. 1, *amended*.

(4) For the purposes of this Act, a person shall be deemed <sup>Meaning of</sup> <sup>"interest"</sup> to have an interest in a business,

(a) if he is a part owner of the business;

(b) if he holds or controls, directly or indirectly through a combination or series of two or more persons, one or more shares in a corporation that owns or controls or partly owns or controls the business; or

(c)

- (c) if he holds or controls, directly or indirectly through a combination or series of two or more persons, one or more bonds, debentures, mortgages or other securities upon any asset of the business.

Idem

(5) For the purposes of this Act but subject to subsection 3, an interest in a business shall be deemed to be given to or vested in a person for a religious, charitable, educational or public purpose so long as the interest or the proceeds thereof or the income therefrom is to be used for any such purpose at any time and notwithstanding that before any such use is made thereof the interest or the proceeds thereof or the income therefrom is to pass into or through the hands of one or more persons or is subject to a life or other intermediary interest. *New.*

When interest to be disposed of, wills

**3.—**(1) Where an interest to which section 2 applies was given or vested pursuant to a will or other testamentary instrument, section 2 shall be complied with within seven years after the death of the testator.

Idem, trust deeds, etc.

(2) Where an interest to which section 2 applies was given or vested pursuant to an instrument other than a will or other testamentary instrument, section 2 shall be complied with within seven years after the date of the instrument.

Extension of time

(3) A judge of the Supreme Court may from time to time extend the period mentioned in subsection 1 or 2 for such further period as he considers proper, if he is satisfied that the extension will benefit the religious, educational, charitable or public purpose concerned. R.S.O. 1950, c. 48, s. 2, *amended.*

Determination of profits

**4.—**(1) Where and so long as an interest to which section 2 applies represents more than a 50 per cent interest in the business, the person to whom it is given or in whom it is vested and the person having control of the management of the business or his nominee and the Public Trustee shall on or before the 30th day of June in each year determine jointly the amount of the profits earned by the business in its fiscal year ending in the calendar year next preceding.

Distribution of profits

(2) The business shall pay to the person to whom the interest is given or in whom it is vested his share of the then undistributed profits of the business in the amounts and on the dates determined jointly by the persons mentioned in subsection 1.

Annual return

(3) For the purposes of this section, the person to whom the interest is given or in whom it is vested shall on or before the 31st day of March in each such year deliver to the Public

Trustee a return with respect to its fiscal year ending in the calendar year next preceding showing,

- (a) the assets and liabilities of the business;
- (b) all accounts of profit and loss of the business;
- (c) the particulars of any fee paid to any director; and
- (d) where the amount of salary and other remuneration paid to any person is \$8,000 or more, the particulars thereof,

and the return shall be verified by the certificate of an officer or the auditor of the business that the statements therein are true.

(4) For the purposes of this section, the Public Trustee may require of any person such further or other information and may make such examination of the accounts and records of the business as he deems necessary. Examination of accounts, etc.

(5) If the persons mentioned in subsection 1 fail to determine jointly any matter mentioned in subsection 1 or 2, the matter shall be determined by a judge of the Supreme Court, and in determining the amount of the profits of the business the judge may disallow in whole or in part any deduction, expenditure, expense, reserve, allowance or other sum that he considers to be unnecessary, excessive or improper having regard to the nature of the business and its financial position. R.S.O. 1950, c. 48, s. 3, *amended*. Determination by Supreme Court

5. Where an interest in a business is being disposed of pursuant to section 2, any person acquiring any portion of such interest for other than religious, charitable, educational or public purposes may, subject to the approval of a judge of the Supreme Court as to the consideration for and the terms and conditions of the acquisition, so acquire such portion notwithstanding that he is the person disposing of such interest or is an officer, director, agent or employee of such person. R.S.O. 1950, c. 48, s. 4, *amended*. Rights of acquisition

6. The proceeds of any disposition pursuant to section 2 may be invested only in investments authorized by *The Corporations Act, 1953* for the investment of the funds of joint stock insurance companies, but no such investment shall be made that results in the person making the investment holding more than a 10 per cent interest in any one business. R.S.O. 1950, c. 48, s. 5, *amended*. Investment of proceeds 1953, c. 19



Investi-  
gation

**7.**—(1) The Treasurer of Ontario may appoint any person to make such investigation as he deems expedient respecting any interest in any business that has been given to or vested in any person for any religious, charitable, educational or public purpose or respecting any person to or in whom any such interest has been given or vested.

Powers of  
investigator  
R.S.O. 1950,  
c. 308

(2) Every person so appointed shall have the same powers as may be given to a commissioner under *The Public Inquiries Act*. R.S.O. 1950, c. 48, s. 6.

Powers of  
court

**8.** Upon the application of the Attorney-General or any person interested, a judge of the Supreme Court may make such orders as he considers proper to carry out the intent of this Act or to determine any matter arising under it. R.S.O. 1950, c. 48, s. 7, *amended*.

Offences  
and  
penalties

**9.** Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$5,000 or to imprisonment for any term of not more than one year, or to both fine and imprisonment. R.S.O. 1950, c. 48, s. 8, *amended*.

R.S.O. 1950,  
c. 50 not  
affected

**10.** Nothing in this Act affects the operation of *The Charities Accounting Act*. R.S.O. 1950, c. 48, s. 9, *amended*.

R.S.O. 1950,  
c. 48,  
repealed

**11.** *The Charitable Gifts Act* is repealed.

Short title

**12.** This Act may be cited as *The Charitable Gifts Act, 1959*.

## CHAPTER 14

### An Act to amend The Charitable Institutions Act, 1956

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Charitable Institutions Act, 1956* is <sup>1956, c. 6,</sup> amended by adding thereto the following clause: <sup>s. 1, amended</sup>

(bb) "hostel" means a charitable institution maintained and operated for the care of transient and homeless persons.

**2.—**(1) Subsection 2 of section 7 of *The Charitable Institutions Act, 1956* is repealed and the following substituted <sup>1956, c. 6,</sup> <sup>s. 7, subs. 2,</sup> therefor: <sup>re-enacted</sup>

(2) When the site and plans of a new building or the plans of an addition to an existing building to be used as a charitable institution, other than a hostel, have been approved by the Minister under subsection 1, the Lieutenant-Governor in Council may direct payment out of such moneys as are appropriated therefor by the Legislature to the charitable organization erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the charitable organization, whichever is the lesser, to be computed in accordance with the regulations.

(2a) When the site and plans of a new building or the plans of an addition to an existing building to be used as a hostel have been approved by the Minister under subsection 1, the Lieutenant-Governor in Council may, until the 31st day of March, 1960, direct payment out of the Consolidated Revenue Fund and thereafter out of such moneys as are

appropriated

appropriated therefor by the Legislature to the charitable organization erecting the new building or the addition of an amount based upon the total bed capacity of the new building or the addition at the rate of \$1,500 per bed or of an amount equal to 30 per cent of the cost thereof to the charitable organization, whichever is the lesser, to be computed in accordance with the regulations, but no payment shall be made under this subsection unless the council of the municipality in which the new building or the addition is situated directs payment to the charitable organization erecting the new building or the addition of an amount equal to at least 20 per cent of the cost thereof to the charitable organization.

1956, c. 6,  
s. 7, subs. 3,  
amended

(2) Subsection 3 of the said section 7 is amended by inserting after "2" in the first line "or 2a", so that the subsection shall read as follows:

When  
subsidy  
payable

(3) Payments under subsection 2 or 2a may be made when the new building or the addition to an existing building is completed and ready for occupancy or such payments may be made from time to time during the construction thereof upon such terms and conditions as the Lieutenant-Governor in Council may prescribe.

1956, c. 6,  
s. 8, subs. 2,  
amended

**3.**—(1) Subsection 2 of section 8 of *The Charitable Institutions Act, 1956* is amended by inserting after "building" in the first line "to be used as a charitable institution, other than a hostel", so that the subsection shall read as follows:

Provincial  
subsidy on  
acquired  
buildings

(2) When the acquisition of a building to be used as a charitable institution, other than a hostel, has been approved by the Minister under subsection 1, the Lieutenant-Governor in Council may direct payment out of such moneys as are appropriated therefor by the Legislature to the charitable organization acquiring the building of an amount based upon the total bed capacity of the building at the rate of \$750 per bed or of an amount equal to 50 per cent of the cost of the building to the charitable organization, whichever is the lesser, to be computed in accordance with the regulations.

1956, c. 6,  
s. 8,  
amended

(2) The said section 8 is amended by adding thereto the following subsection:

Idem,  
hostels

(2a) When the acquisition of a building to be used as a hostel has been approved by the Minister under subsection 1, the Lieutenant-Governor in Council

may,

may, until the 31st day of March, 1960, direct payment out of the Consolidated Revenue Fund and thereafter out of such moneys as are appropriated therefor by the Legislature to the charitable organization acquiring the building of an amount based upon the total bed capacity of the building at the rate of \$450 per bed or of an amount equal to 30 per cent of the cost of the building to the charitable organization, whichever is the lesser, to be computed in accordance with the regulations, but no payment shall be made under this subsection unless the council of the municipality in which the building is situated directs payment to the charitable organization acquiring the building of an amount equal to at least 20 per cent of the cost thereof to the charitable organization.

4. Subsection 2 of section 10 of *The Charitable Institutions Act, 1956*, as enacted by subsection 2 of section 1 of *The Charitable Institutions Amendment Act, 1958*, is repealed and the following substituted therefor: 1956, c. 6, s. 10, subs. 2 (1958, c. 10, s. 1, subs. 2), re-enacted

- (2) There shall be paid out of such moneys as are appropriated therefor by the Legislature to every charitable organization operating a charitable institution that is specified in the regulations as an institution, other than a children's institution or a hostel, an amount equal to 75 per cent of the amount paid by the charitable organization for the maintenance of each person resident in the institution to be computed in accordance with the regulations. Institutions other than children's institutions and hostels

5. Clause g of section 13 of *The Charitable Institutions Act, 1956* is amended by striking out "purpose of subsection 2" in the first line and inserting in lieu thereof "purposes of subsections 2 and 2a", so that the clause shall read as follows: 1956, c. 6, s. 13, cl. g, amended

- (g) prescribing for the purposes of subsections 2 and 2a of section 7 the manner of computing the cost to charitable organizations of erecting new buildings or additions to existing buildings.

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Charitable Institutions Amendment Act, 1959*. Short title





## CHAPTER 15

# An Act to amend The Children's Boarding Homes Act, 1957

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Children's Boarding Homes Act, 1957* is amended <sup>1957, c. 11, amended</sup> by adding thereto the following sections:

9a. Every person who causes a child to be lodged, boarded or cared for in a children's boarding home that is not registered under this Act and every parent, guardian or other person who is under a legal duty to provide for a child who permits the child to be lodged, boarded or cared for in such a home are severally guilty of an offence and on summary conviction are liable to a fine of not more than \$200. <sup>Placing child in unregistered home, offence and penalty</sup>

9b. A child who is lodged, boarded or cared for in a children's boarding home that is not registered under this Act shall be deemed to be an apparently neglected child within the meaning of and for the purposes of Part II of *The Child Welfare Act, 1954*. <sup>Child in unregistered home deemed apparently neglected child 1954, c. 8</sup>

**2.** Section 11 of *The Children's Boarding Homes Act, 1957* is amended by striking out "until the 31st day of March, 1958, out of the Consolidated Revenue Fund and thereafter" in the second and third lines, so that the section shall read as follows: <sup>1957, c. 11, s. 11, amended</sup>

11. The expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. <sup>Expenses of administration</sup>

**3.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**4.** This Act may be cited as *The Children's Boarding Homes Amendment Act, 1959*. <sup>Short title</sup>



## CHAPTER 16

## An Act to amend The Community Centres Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Community Centres Act*, R.S.O. 1950, as re-enacted by subsection 1 of section 1 of *The Community Centres Amendment Act, 1954*, is amended by striking out "resident ratepayers" in the fifth line and inserting in lieu thereof "persons who are qualified to be elected as members of the council", so that the subsection shall read as follows:

- (1) Every community centre established by a municipality under this Act shall be under the management and control of a board appointed by the council of the municipality composed of not less than three and not more than seven persons who are qualified to be elected as members of the council and where the board is composed of five or more persons at least two shall be members of the council.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Community Centres Amendment Act, 1959*.



## CHAPTER 17

## An Act to amend The Conditional Sales Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Conditional Sales Act*, as amended by R.S.O. 1950, c. 61, s. 2, amended section 1 of *The Conditional Sales Amendment Act, 1955*, is further amended by adding thereto the following subsections:

- (7) Where a true copy of a contract is not duly filed <sup>Late filing</sup> within the time prescribed by this section, the judge of the county or district court of the county or district in which the purchaser, proposed purchaser or hirer resided when the contract was made may permit it to be filed at a later date upon being satisfied by affidavit or affidavits that the failure to file arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse and that the parties have acted and are acting in good faith, but in such case the provision of the contract mentioned in subsection 1 shall be deemed to be effective as against creditors of and subsequent purchasers or mortgagees claiming from or under the purchaser, proposed purchaser or hirer, without notice, in good faith and for valuable consideration only from the actual date of filing, and for the purpose of filing a renewal statement, such true copy shall be deemed to have been filed upon the actual date of filing.
- (8) The creditors referred to in subsection 7 mean <sup>Creditors, meaning of</sup> creditors of a purchaser, proposed purchaser or hirer to whom goods have been delivered for the purpose of resale by him in the course of business.

2. Section 4 of *The Conditional Sales Act* is amended by R.S.O. 1950, c. 61, s. 4, amended adding thereto the following subsection:

- (6) The creditors referred to in this section mean <sup>Creditors, meaning of</sup> creditors of a purchaser, proposed purchaser or  
hirer



hirer to whom goods have been delivered for the purpose of resale by him in the course of business.

Short title

**3.** This Act may be cited as *The Conditional Sales Amendment Act, 1959*.

## CHAPTER 18

## An Act to amend The Conservation Authorities Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 6 of section 4a of *The Conservation Authorities Act*, as enacted by section 1 of *The Conservation Authorities Amendment Act, 1956*, is amended by inserting after "area" in the twelfth line "within the watershed of Carruthers Creek and the area", so that the subsection shall read as follows:

- (6) The Metropolitan Conservation Authority shall have jurisdiction in all matters provided for in this Act over an area composed of all areas under the jurisdiction of the four authorities dissolved by this section immediately prior to the coming into force of this section, together with all other areas lying between the westerly limit of the area under the jurisdiction of the Etobicoke-Mimico Conservation Authority and the easterly limit of the area within the jurisdiction of the Rouge, Duffin, Highland, Petticoat Conservation Authority and which front on Lake Ontario and together with the area within the watershed of Carruthers Creek and the area known as Toronto Island.

**2.—(1)** Section 8 of *The Conservation Authorities Act* is amended by adding thereto the following subsection:

- (1a) Where part only of a township is situated in an area over which an authority has jurisdiction, the number of members appointed for the township shall be based on the population of that part only of the township and such population shall be deemed to be the same proportion of the total population of the whole township as the number of acres in the part of the township is of the total acreage of the township.

Members of  
present  
authorities

(2) The members of every authority heretofore established, appointed for a township only part of which is in the area under the jurisdiction of the authority, shall cease to hold office on the 31st day of December, 1959, and members for such a township shall thereafter be appointed in accordance with subsection 1a of section 8 of *The Conservation Authorities Act*, as enacted by subsection 1.

R.S.O. 1950,  
c. 62, s. 17  
(1956, c. 9,  
s. 1),  
subs. 1,  
amended

**3.** Subsection 1 of section 17 of *The Conservation Authorities Act*, as enacted by section 1 of *The Conservation Authorities Amendment Act, 1956*, is amended by adding thereto the following clause:

(d) prohibiting or regulating the placing or dumping of fill of any kind in any area below the high water mark of any river, creek or stream.

Short title

**4.** This Act may be cited as *The Conservation Authorities Amendment Act, 1959*.

## CHAPTER 19

## An Act to amend The Coroners Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 21 and 22 of *The Coroners Act* are repealed and the following substituted therefor: R.S.O. 1950,  
c. 70, ss. 21  
22, re-  
enacted

21. Where,

(a) an inmate in a home for the aged to which *The Homes for the Aged Act, 1955* applies dies; Death of  
inmate in  
home for  
the aged or  
patient in  
mental  
hospital  
1955, c. 30  
or

(b) a patient in an institution to which *The Mental Hospitals Act* applies dies, R.S.O. 1950,  
c. 229

the officer in charge shall immediately give notice of the death to a coroner and the coroner shall investigate the circumstances of the death and, if as a result of such investigation he is of opinion that an inquest ought to be held, he shall issue his warrant and hold an inquest upon the body.

22. Where a prisoner in a reformatory, industrial farm, training school, jail or lock-up dies, the officer in charge shall immediately give notice of the death to a coroner and the coroner shall issue his warrant and hold an inquest upon the body. Death of  
prisoner  
in refor-  
matory, etc.

2. *The Coroners Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 70,  
amended

39. The expenses paid by a county in connection with a coroner's investigation or inquest into a death in an institution to which *The Mental Hospitals Act* applies or in a reformatory, industrial farm or training school administered by the Department of Reform Institutions shall when the accounts there-

for

for have been audited by the Auditor of Criminal Justice Accounts, be reimbursed to the treasurer of the county out of such moneys as are appropriated by the Legislature for the expense of the administration of justice.

R.S.O. 1950  
c. 70,  
Sched. C  
(1957, c. 14,  
s. 4), re-  
enacted

**3.** Schedule C to *The Coroners Act*, as re-enacted by section 4 of *The Coroners Amendment Act, 1957*, is repealed and the following substituted therefor:

### SCHEDULE C

#### *Witnesses*

1. For every day of attendance at the inquest. . . . . \$ 6.00
2. For every day of attendance of a legally qualified medical practitioner as a medical practitioner. . . . . 15.00
3. For every day of attendance of an expert witness, such fee not exceeding \$30 as the coroner deems proper or such greater fee as the Attorney-General or the Deputy Attorney-General may approve.
4. For preparing a plan, furnishing any article or doing any work for use at the inquest, in addition to the fee to which the witness would ordinarily be entitled, such special fee as the coroner may deem proper and the Crown attorney may approve.
5. Where a witness travels by his own automobile, 10 cents a mile each way for each mile necessarily travelled between his place of residence and the place where the inquest is held, but where the inquest is held in the city in which the witness resides, 75 cents.

The distance travelled shall be ascertained by the declaration of the Crown attorney.

6. Where a witness travels by a means other than his own automobile, a sum equal to the amount of the fare actually paid for the transportation from his place of residence to the place where the inquest is held and return.
7. Where a witness is required to attend the inquest on more than one day and returns to his place of residence at night, the travelling allowance mentioned in item 5 or 6, as the case may be, is payable in respect of each day's attendance.
8. Where a witness resides elsewhere and in the opinion of the Crown attorney it is desirable that he remain over-night at the place at which the inquest is held, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

Commence-  
ment

**4.** Section 3 comes into force on the 1st day of September, 1959.

Short title

**5.** This Act may be cited as *The Coroners Amendment Act, 1959*.



## CHAPTER 20

**An Act to amend  
The Corporations Tax Act, 1957**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clauses *b* and *c* of subsection 6 of section 4 of *The Corporations Tax Act, 1957*, as re-enacted by subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1958*, are repealed and the following substituted therefor:

1957, c. 17,  
s. 4, subs. 6  
(1958, c. 16,  
s. 3, subs. 1),  
cls. *b, c*,  
re-enacted

- (*b*) except as provided in clauses *bb, c* and *cc*, where the destination of a shipment of merchandise to a customer to whom the merchandise is sold is in a jurisdiction in which the corporation making the sale has no permanent establishment, the gross revenue derived therefrom is attributable to the permanent establishment to which the person negotiating the sale may reasonably be regarded as being attached;
- (*bb*) except as provided in clause *cc*, where the destination of a shipment of merchandise to a customer to whom the merchandise is sold is in a jurisdiction outside Canada in which the corporation making the sale has no permanent establishment,
  - (i) if the merchandise was produced or manufactured, or produced and manufactured, entirely in one province or territory of Canada by the corporation, the gross revenue derived therefrom is attributable to its permanent establishment in that province or territory, or
  - (ii) if the merchandise was produced or manufactured, or produced and manufactured, partly in a province or territory of Canada and partly in another place by the corporation, the gross revenue derived therefrom that is attributable to its permanent establishment

in that province or territory is that proportion thereof that the salaries and wages paid in the fiscal year to employees of the permanent establishment in that province or territory where the merchandise was partly produced or manufactured, or partly produced and manufactured, is of the aggregate of the salaries and wages paid in the fiscal year to employees of the permanent establishments where the merchandise was produced or manufactured, or produced and manufactured;

- (c) for the purposes of clauses *a* and *b* and except as provided in clause *cc*, where a customer to whom merchandise is sold instructs that shipment thereof be made to another person, the destination of the shipment of the merchandise shall be deemed to be in the jurisdiction in which the permanent establishment of the customer negotiating the purchase of the merchandise is situated;
- (cc) for the purpose of clause *bb*, where a customer to whom merchandise is sold instructs that shipment be made to another person and the permanent establishment of the customer negotiating the purchase of the merchandise is situated in a jurisdiction outside Canada in which the corporation making the sale has no permanent establishment,
  - (i) if the merchandise was produced or manufactured, or produced and manufactured, entirely in one province or territory of Canada by the corporation, the gross revenue derived therefrom shall be attributable to its permanent establishment in that province or territory, or
  - (ii) if the merchandise was produced or manufactured, or produced and manufactured, partly in a province or territory of Canada and partly in another place by the corporation, the gross revenue derived therefrom that is attributable to its permanent establishment in that province or territory is that proportion thereof that the salaries and wages paid in the fiscal year to employees of the permanent establishment in that province or territory where the merchandise was partly produced or manufactured, or partly produced and manufactured, is of the aggregate of the salaries and wages paid in the fiscal year to employees

of the permanent establishments where the merchandise was produced or manufactured, or produced and manufactured.

(2) Subsections 17 and 18 of the said section 4 are repealed and the following substituted therefor:

1957, c. 17,  
s. 4, subss.  
17, 18,  
re-enacted

(17) Notwithstanding subsection 5, the amount of taxable income of a railway corporation that shall be deemed to have been earned in a fiscal year in a province or territory of Canada outside Ontario is, unless subsection 18 applies, one-half the aggregate of,

Railway  
corporations,  
allocation  
of taxable  
income

(a) that proportion of its taxable income for the fiscal year that its equated track miles in that province or territory of Canada is of its equated track miles in Canada; and

(b) that proportion of its taxable income for the fiscal year that its gross ton-miles for the fiscal year in that province or territory of Canada is of its gross ton-miles for the fiscal year in Canada.

(18) Where a corporation to which subsection 17 would apply if this subsection did not apply thereto operates an airline service, operates ships, operates hotels or receives substantial revenues that are petroleum or natural gas royalties, or does a combination of two or more of those things, the amount of its taxable income that shall be deemed to have been earned in a fiscal year in a province or territory of Canada outside Ontario is the aggregate of the amounts computed,

Idem

(a) by applying the provisions of subsection 20 to that part of its taxable income for the fiscal year that might reasonably be considered as having arisen from the operation of the airline service;

(b) by applying the provisions of subsection 26 to that part of its taxable income for the fiscal year that might reasonably be considered as having arisen from the operation of the ships;

(c) by applying the provisions of subsection 5 to that part of its taxable income for the fiscal year that might reasonably be considered to have arisen from the operation of the hotels;

(d)

- (d) by applying the provisions of subsection 5 to that part of its taxable income for the fiscal year that might reasonably be considered to have arisen from the ownership by the corporation of petroleum or natural gas rights or any interest therein; and
- (e) by applying the provisions of subsection 17 to the remaining portion of its taxable income for the fiscal year.

Idem

- (18a) For the purpose of making an allocation required by clause *b* of subsection 18, a reference in subsection 26 to “salaries and wages paid in the fiscal year by the corporation to employees” shall be read as a reference to salaries and wages paid by the corporation to employees employed in the operation of permanent establishments, other than ships, maintained for the shipping business.

Idem

- (18b) For the purpose of making an allocation required by clause *c* of subsection 18,
  - (a) a reference in subsection 5 to “gross revenue for the fiscal year attributable to the permanent establishment in that jurisdiction” shall be read as a reference to the gross revenue of the corporation from operating hotels in a province or territory of Canada outside Ontario;
  - (b) a reference in subsection 5 to “total gross revenue for the fiscal year” shall be read as a reference to the total gross revenue of the corporation for the fiscal year from operating hotels; and
  - (c) a reference in subsection 5 to “salaries and wages paid in the fiscal year by the corporation to the employees” shall be read as a reference to salaries and wages paid to employees engaged in the operations of its hotels.

Idem

- (18c) Notwithstanding subsection 7, for the purpose of making an allocation required by clause *d* of subsection 18,
  - (a) a reference in subsection 5 to “gross revenue for the fiscal year attributable to the permanent establishment in that jurisdiction” shall

be read as a reference to the gross revenue of the corporation from the ownership by the corporation of petroleum and natural gas rights in lands in a province or territory of Canada outside Ontario and any interest therein;

- (b) a reference in subsection 5 to "total gross revenue for the fiscal year" shall be read as a reference to the total gross revenue of the corporation from ownership by the corporation of petroleum and natural gas rights and any interest therein; and
- (c) a reference in subsection 5 to "salaries and wages paid in the fiscal year by the corporation to employees" shall be read as a reference to salaries and wages paid to employees employed in connection with the corporation's petroleum and natural gas rights and interests therein.

(3) Subsection 28 and subsections 28*a* and 28*b*, as enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1958*, of the said section 4 are repealed and the following substituted therefor:

1957, c. 17,  
s. 4, subss. 28,  
28*a* (1958,  
c. 16, s. 3,  
subss. 3),  
repealed;  
subss. 28*b*  
(1958, c. 16,  
s. 3, subss. 3),  
re-enacted

- (28*b*) Where a corporation that is incorporated under the laws of a jurisdiction outside Canada and that is not a non-resident owned investment corporation, a foreign business corporation or a corporation to which subsection 20 or 26 applies has a permanent establishment in Ontario, this section applies as though,

Special  
allocation  
formula

- (a) the corporation had no permanent establishment outside Canada;
- (b) the portion of its taxable income that is subjected to taxation under section 31 of the *Income Tax Act* (Canada) were its total taxable income; and

R.S.C. 1952,  
c. 148

- (c) such total taxable income were allocated amongst the provinces and territories of Canada in accordance with subsections 5 to 19, subsections 23 to 25 and subsection 27, or such of those subsections as are applicable, on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only perma-



ment establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments;

provided that where a corporation to which this subsection applies ships merchandise to one or other of its permanent establishments outside Canada,

- (d) such shipment shall be deemed to be a shipment of merchandise to a customer to whom the merchandise is sold; and
- (e) its gross revenue in Canada subject to allocation under subsection 6 shall be the gross revenue of its permanent establishments in Canada including therein such amount as gross revenue from such shipment as is used under section 31 of the *Income Tax Act* (Canada) in determining the amount of income of the corporation reasonably attributable to the business carried on by the corporation in Canada.

R.S.C. 1952,  
c. 148

1957, c. 17,  
s. 4, subs.  
28d (1958,  
c. 16, s. 3,  
subs. 3),  
amended

(4) Subsection 28d of the said section 4, as enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1958*, is amended by adding after the clauses thereof "but, in the case of a corporation to which subsection 28b applies, this subsection shall apply as though the corporation were one no part of the taxable income of which is deemed to be earned outside of Canada and as though the taxable income on which it is subjected to taxation under section 31 of the *Income Tax Act* (Canada) were its total taxable income and, in such a case, the measurement of the abatement of portions of tax under subsection 2 as provided by clauses *a* and *b* of this subsection shall relate exclusively to such total taxable income as though it were earned exclusively through the activities of the corporation in Canada".

1957, c. 17,  
s. 4, subs. 29,  
cl. *a*,  
re-enacted

(5) Clause *a* of subsection 29 of the said section 4 is repealed and the following substituted therefor:

Municipal  
authorities

- (a) a municipality in Canada, or a municipal or public body performing a function of government in Canada.

1957, c. 17,  
s. 4,  
amended

(6) The said section 4 is amended by adding thereto the following subsection:

Payment  
of tax where  
taxable  
income of  
preceding  
fiscal year  
is altered

- (34) Where the tax payable by a corporation for the taxation year and for certain preceding fiscal years is altered by virtue of section 36a or 36b, the difference

between

between the amount that is the total of the taxes payable for all of those fiscal years and the amount that would have been the total of the taxes payable for all of those fiscal years if neither section 36*a* nor 36*b* had been applied shall be added to or deducted from, as the case may be, the amount of the tax payable by the corporation for the taxation year.

(7) The said section 4 is further amended by adding thereto the following subsection: 1957, c. 17,  
s. 4,  
amended

(35) Where the tax payable by a corporation for the <sup>Idem</sup> fiscal year during which a vessel within the meaning of section 33 is disposed of is altered by virtue of subsection 1*a* of section 34, the difference,

(*a*) if section 36*a* does not apply, between the amount that is the amount of tax that is payable by the corporation for that fiscal year and the amount of tax that would be payable for that fiscal year if subsection 1*a* of section 34 had not applied; or

(*b*) if subsection 36*a* applies, between the total of the taxes payable by the corporation for that fiscal year and certain preceding fiscal years under subsection 34 and the total of the taxes that would be payable by the corporation for that fiscal year and certain preceding fiscal years under subsection 34 if subsection 1*a* of section 34 had not applied,

shall be deducted from the tax otherwise payable by the corporation for the fiscal year during which the alteration calculated in accordance with subsection 1*a* of section 34 took place.

**2.** Section 5 of *The Corporations Tax Act, 1957*, as amended 1957, c. 17,  
s. 5,  
is amended by section 4 of *The Corporations Tax Amendment Act, 1958*, is further amended by adding thereto the following subsection:

(7*a*) In the case of a corporation to which subsection 28*b* <sup>Paid-up capital of foreign corporation</sup> of section 4 applies, the paid-up capital thereof shall, notwithstanding section 63, be deemed to be either,

(*a*) the amount of which the portion of its taxable income which is subjected to taxation under section 31 of the *Income Tax Act* (Canada) R.S.C. 1952,  
c. 148 would be 8 per cent; or

(*b*)

(b) the amount that equals the difference between,

- (i) the amount of the total assets of the corporation in Canada, and
- (ii) the amount of the indebtedness of the corporation relating to its permanent establishments in Canada but excluding therefrom all amounts that are advanced or loaned to its permanent establishments in Canada by the corporation itself or by any other corporation and all other indebtedness that is represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property in Canada or any of it is subject,

whichever is greater, and, in such case, this section shall apply as though the paid-up capital as so determined were the total paid-up capital of the corporation and as though the corporation had no permanent establishments outside of Canada.

1957, c. 17,  
s. 8,  
re-enacted

**3.** Section 8 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

Railways,  
mileage tax

- 8.—(1) Every corporation that operates or uses a railway shall for every fiscal year thereof pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$40 per mile for each additional track, operated or used in any municipality in Ontario, and of \$40 per mile for one track, and, where the line consists of two or more tracks, of \$20 per mile for each additional track, in territory without municipal organization in Ontario, but a corporation that operates or uses a railway that, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, does not exceed 150 miles in length from terminal to terminal, whether or not one or both of such terminals are outside Ontario, shall, in lieu of such tax, pay a tax of \$15 per mile for one track in Ontario and, where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario, and, where the railway or system does not exceed 30 miles in length between such terminals, a tax of \$10 per mile for one track

in Ontario and, where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario.

- (2) In addition to the tax imposed by subsection 1, <sup>Additional tax</sup> every corporation that operates or uses a railway that, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, exceeds 150 miles in length from terminal to terminal, whether or not one or both of such terminals are outside Ontario, shall for every fiscal year of the corporation pay a tax of \$25 per mile for one track in Ontario, and, where the line consists of two or more tracks, of \$20 per mile for each additional track in Ontario.

- (3) Switches, spurs and sidings shall not be included in <sup>Switches, etc., not to be included</sup> the measurement of track for the purpose of this section.

4. Section 23 of *The Corporations Tax Act, 1957*, as amended <sup>1957, c. 17, s. 23, amended</sup> by section 8 of *The Corporations Tax Amendment Act, 1958*, is further amended by adding thereto the following subsections:

- (9) Notwithstanding clauses *a* and *b* of subsection 1 of <sup>One-half fees paid to investment counsel</sup> section 24, there may be deducted, in computing the income of a corporation from shares or securities for a fiscal year, one-half the fees paid by the corporation in the fiscal year to an investment counsel for advice as to the advisability of purchasing or selling specific shares or securities.
- (10) For the purpose of subsection 9, “investment <sup>Interpre-  
tation</sup> counsel” means a person whose principal business is advising others as to the advisability of purchasing or selling specific shares or securities
- (11) Notwithstanding clauses *a* and *b* of subsection 1 of <sup>Special corporation tax</sup> section 24, there may be deducted in computing the income from the business of a corporation for a fiscal year all corporation taxes payable by the corporation in the fiscal year.
- (12) In subsection 11 and in this subsection, <sup>Interpre-  
tation</sup>
- (a) “corporation tax” means a tax imposed by the Legislature of a province or by a municipality in the province that is declared by

the



the regulations to be a tax on corporations, but does not include,

- (i) a corporation income tax, or
  - (ii) any other tax declared by the regulations not to be a corporation tax;
- (b) "corporation income tax" means a tax imposed by the Parliament of Canada or by the Legislature of a province or by a municipality in the province that is declared by the regulations to be a tax of general application on the profits of corporations.

1957, c. 17,  
s. 24,  
subss. 4, 5,  
repealed

**5.**—(1) Subsections 4 and 5 of section 24 of *The Corporations Tax Act, 1957* are repealed.

1957, c. 17,  
s. 24, subs.  
6 (1958,  
c. 16, s. 9),  
re-enacted

(2) Subsection 6 of the said section 24, as enacted by section 9 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor:

Application  
of  
subs. 1, cl. c

- (6) Clause *c* of subsection 1 does not apply in respect of an outlay or expense made or incurred by a corporation, at a time when more than 50 per cent of its property consisted of shares in the capital stock of, bonds, debentures, mortgages or hypothecs of or bills or notes of a subsidiary controlled corporation subsidiary to it, for the purpose of gaining or producing income in the form of dividends from any such corporation or in connection with property in the form of shares in the capital stock thereof.

1957, c. 17,  
s. 25, subs. 1,  
cls. a, b,  
re-enacted

**6.**—(1) Clauses *a* and *b* of subsection 1 of section 25 of *The Corporations Tax Act, 1957* are repealed and the following substituted therefor:

- (a) its loss from farming for the fiscal year; or
- (b) \$2,500 plus the lesser of,
  - (i) one-half of the amount by which its loss from farming for the fiscal year exceeds \$2,500, or
  - (ii) \$2,500.

1957, c. 17,  
s. 25, subs. 3,  
re-enacted

(2) Subsection 3 of the said section 25, as amended by subsection 1 of section 10 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor:

Interpre-  
tation

- (3) For the purpose of this section, a "loss from farming" is a loss from farming computed by applying the provisions of this Part respecting the computation of income from a business *mutatis mutandis*.



7. Section 29 of *The Corporations Tax Act, 1957*, as amended <sup>1957, c. 17,</sup> by section 12 of *The Corporations Tax Amendment Act, 1958*, <sup>s. 29,</sup> <sup>re-enacted</sup> is repealed and the following substituted therefor:

29.—(1) A lease-option agreement, a hire-purchase agree- <sup>Lease-</sup> <sup>option, hire-</sup> <sup>purchase,</sup> <sup>etc.</sup> ment or other contract or arrangement for the leasing or hiring of property, except immovable property used in carrying on the business of farming, by which it is agreed that the property may, on the satisfaction of a condition, vest in the lessee or other person to whom the property is leased or hired, hereinafter in this section referred to as the “lessee”, or in a person with whom the lessee does not deal at arm’s length shall, for the purpose of computing the income of the lessee, be deemed to be an agreement for the sale of the property to such lessee and rent or other consideration paid or given thereunder shall be deemed to be on account of the price of the property and not for its use, and the lessee shall, for the purpose of a deduction under clause *a* of subsection 1*a* of section 23 and for the purpose of section 32, be deemed to have acquired the property,

(a) in any case where, at the time the contract or arrangement was entered into, the lessee and the person in whom the property was vested at that time, hereinafter referred to as the “lessor”, were persons not dealing at arm’s length, at a capital cost equal to the capital cost thereof to the lessor; and

(b) in any other case, at a capital cost equal to the price fixed by the contract or arrangement minus the aggregate of all amounts paid by the lessee,

(i) in the case of a contract or arrangement relating to movable property, before the commencement of the fiscal year ending in 1949, and

(ii) in the case of any other contract or arrangement, before the commencement of the fiscal year ending in 1950,

under the contract or arrangement on account of the rent or other consideration.

(2) Where a lessee is deemed by subsection 1 to have <sup>Rules</sup> <sup>applicable</sup> <sup>where</sup> <sup>depreciable</sup> <sup>property</sup> <sup>deemed to</sup> <sup>have been</sup> <sup>acquired</sup> acquired property under a contract or arrangement and that property includes property, hereinafter referred

referred to as "depreciable property", in respect of which the lessee has been allowed, or is entitled to, a deduction under clause *a* of subsection 1*a* of section 23 in computing his income for a fiscal year, the following rules apply:

1. The capital cost at which, for the purpose of a deduction under clause *a* of subsection 1*a* of section 23 and for the purpose of section 32, the lessee shall be deemed to have acquired the depreciable property is,
  - (*a*) in any case where clause *a* of subsection 1 is applicable, the capital cost of the depreciable property to the lessor; and
  - (*b*) in any other case, the capital cost at which the lessee is deemed by subsection 1 to have acquired the property minus the fair market value, at the time the contract or arrangement was entered into, of the part of the property that is not depreciable property.
2. Where the contract or arrangement is subsequently rescinded or determined without the property having vested in the lessee or in a person with whom he was not dealing at arm's length, the lessee shall, for the purpose of a deduction under clause *a* of subsection 1*a* of section 23 and for the purpose of section 32, be deemed to have disposed of the depreciable property for an amount equal to,
  - (*a*) the capital cost at which he is deemed by rule 1 to have acquired the depreciable property,minus,
  - (*b*) the aggregate of all amounts paid by him under the contract or arrangement on account of the rent or other consideration,

and, in any case where the aggregate of the amount so paid by him exceeds the capital cost at which he is so deemed to have acquired the depreciable property, the amount of the

excess shall, for the purpose of computing his income for the fiscal year in which the contract or arrangement was so rescinded or determined, be deemed to have been paid by him in that fiscal year under the contract or arrangement for the use of the property and not on account of its price.

3. Where there is more than one time at which the condition referred to in subsection 1 may be satisfied and the property has, upon the satisfaction of the condition otherwise than at the latest of those times, vested in the lessee, he shall, for the purpose of section 32, be deemed to have received at the time the property vested in him an amount as proceeds of disposition of the depreciable property equal to,

- (a) the capital cost at which he is deemed by rule 1 to have acquired the depreciable property,

minus,

- (b) the aggregate of all amounts paid by him under the contract or arrangement on account of the rent or other consideration, minus the fair market value, at the time the contract or arrangement was entered into, of the part of the property that is not depreciable property,

and, in the case where the amount determined under clause *b* exceeds the capital cost at which he is so deemed to have acquired the depreciable property, the capital cost at which, for the purpose of a deduction under clause *a* of subsection 1*a* of section 23 and for the purpose of section 32, he shall be deemed to have acquired the depreciable property is the capital cost at which he is deemed by rule 1 to have acquired that property plus the amount of the excess.

4. Where it was agreed by the contract or arrangement that the property might, upon the satisfaction of the condition referred to in subsection 1, vest in a person with whom

the

the lessee was not dealing at arm's length and the property has, upon the satisfaction of the condition at a subsequent time, vested in that person, hereinafter referred to as the "new owner", for the purpose of a deduction under clause *a* of subsection 1*a* of section 23 and for the purpose of section 32,

- (*a*) the lessee shall be deemed to have disposed of the depreciable property at that subsequent time for an amount equal to its undepreciated capital cost to him at that time;
- (*b*) the capital cost of the depreciable property to the new owner shall be deemed to be an amount equal to the capital cost at which the lessee is deemed by rule 1 to have acquired that property; and
- (*c*) an amount equal to the capital cost of the depreciable property to the new owner as determined under clause *b* minus the amount for which the lessee is deemed by clause *a* to have disposed of the depreciable property shall be deemed to have been allowed to the new owner, in respect of property of the prescribed class to which the depreciable property belongs, under regulations made under clause *a* of subsection 1*a* of section 23 in computing income for fiscal years before the acquisition of the depreciable property by the new owner.

**Interpre-  
tation**

(3) In this section,

- (*a*) a reference to "the price fixed by the contract or arrangement" shall, where there is more than one time at which the condition referred to therein may be satisfied, be construed as a reference to the price so fixed as though there were only one time at which the condition may be satisfied and that time were the latest of those times; and
- (*b*) "rent or other consideration" in relation to any contract or arrangement for the leasing

or hiring of property, does not include any amount paid as or on account of property taxes or repairs in respect of the property.

- (4) This section does not apply in the case of any lease-<sup>Application of section</sup> option agreement, hire-purchase agreement or other contract or arrangement for the leasing or hiring of property entered into after 1957, where the amount fixed by the contract or arrangement as the price at which the property may be purchased on the satisfaction of the condition referred to in subsection 1 is, in the event of the satisfaction of the condition within a period of,

- (a) not more than five years after the contract or arrangement was entered into, an amount not less than 100 per cent;
- (b) more than five years but not more than ten years thereafter, an amount not less than 75 per cent; and
- (c) more than ten years thereafter, an amount not less than 60 per cent,

of the fair market value of the property at the time the contract or arrangement was entered into.

8. Subsections 1 and 2 of section 33 of *The Corporations Tax Act, 1957*, as amended by subsections 1 and 2 of section 14<sup>1957, c. 17, s. 33, subss. 1, 2, re-enacted</sup> of *The Corporations Tax Amendment Act, 1958*, are repealed and the following substituted therefor:

- (1) Notwithstanding section 32, where a corporation<sup>Deduction in respect of capital cost of vessels</sup> owns a vessel,
- (a) that was constructed in Canada and is registered in Canada or is registered under conditions satisfactory to the Treasurer in any country or territory to which the British Commonwealth Merchant Shipping Agreement (signed at London on December 10, 1931) applies; and
  - (b) the construction of which was commenced after the 1st day of January, 1949; and
  - (c) in respect of the capital cost of which no allowance has been made to any other taxpayer under the *Canadian Vessel Construction Assistance Act* (Canada) or the *Income Tax Act* (Canada),<sup>R.S.C. 1952, c. 43, 148</sup>

the



the corporation shall, so long as the title to the vessel remains vested in the corporation, in lieu of a deduction under clause *a* of subsection 1*a* of section 23 and the regulations made pursuant to that clause, deduct such part of the capital cost of the vessel to the corporation as the corporation elected to take and was allowed under the *Canadian Vessel Construction Assistance Act* (Canada).

R.S.C. 1952,  
c. 43

Deduction  
in respect of  
conversion  
cost of  
vessels

(2) Notwithstanding section 32, where a corporation owns a vessel,

- (a) that is registered in Canada or is registered under conditions satisfactory to the Treasurer in any country or territory to which the British Commonwealth Merchant Shipping Agreement (signed at London on December 10, 1931) applies; and
- (b) the conversion or major alteration of which was commenced after the 1st day of January, 1949,

the corporation shall, so long as the title to the vessel remains vested in the corporation, in lieu of the deduction allowed under clause *a* of subsection 1*a* of section 23 and the regulations made pursuant to that clause in respect of the conversion cost but in addition to deductions allowed under that clause in respect of the capital cost of the vessel other than the conversion cost, deduct such part of the conversion cost to the corporation as the corporation elected to take and was allowed under the *Canadian Vessel Construction Assistance Act* (Canada).

Interpre-  
tation

(2*a*) For the purposes of this section and section 34,

- (a) "capital cost" means capital cost as determined by the Treasurer;
- (b) "conversion cost" means the cost of a conversion or major alteration as determined by the Treasurer;
- (c) "conversion or major alteration" means a conversion or major alteration made in Canada in accordance with plans approved by the Treasurer pursuant to the written approval of the Canadian Maritime Commission for the purposes of the *Canadian Vessel Construction Assistance Act* (Canada); and

(*d*)

(d) "vessel" means a vessel as defined in the *Canada Shipping Act* (Canada). R.S.C. 1952,  
c. 29

(2b) Where under section 6 of the *Canadian Vessel Construction Assistance Act* (Canada) a class of vessel is excluded from the operation of that Act, the Treasurer shall exclude the same class of vessel from the operation of this section and section 34. Exception  
R.S.C. 1952,  
c. 43

9. Subsection 1 of section 34 of *The Corporations Tax Act*, 1957, c. 17, 1957 is repealed and the following substituted therefor: 1957, c. 17,  
s. 34,  
subs. 1,  
re-enacted

(1) Where a corporation disposes of a vessel, in this section called the "sold vessel", and the proceeds of disposition are used by a person under conditions satisfactory to the Treasurer, Application  
of sec. 32  
in certain  
circum-  
stances

(a) to acquire a vessel, in this section called the "new vessel", to which the description in subsection 1 of section 33 applies; or

(b) to defray the conversion cost in respect of a vessel to which the description in subsection 2 of section 33 applies,

the amount to be included in computing the income of the corporation under subsection 1 of section 32 for the fiscal year in which the sold vessel was disposed of shall be that proportion of the amount that would, but for this subsection, be included therein which the amount by which the proceeds of disposition of the sold vessel exceeds,

(c) the capital cost of the new vessel to such person incurred during the same fiscal year; or

(d) the conversion cost to such person incurred during the same fiscal year,

or the total of both, as the case may be, bears to the proceeds of disposition of the sold vessel.

(1a) Where a part of the proceeds of disposition of a sold vessel that is not used during the same fiscal year during which such disposition took place in the manner provided by subsection 1 is so used during any subsequent fiscal year of the corporation up to and including the seventh, the taxable income of the corporation for the fiscal year during which the sold Disposition  
of proceeds  
from sale  
of vessel

vessel

vessel was disposed of shall be reduced to equal the amount that it would have equalled had the total of all parts of the proceeds of such disposition that were so used up to that time been so used during the fiscal year of the corporation when the sold vessel was disposed of.

1957, c. 17,  
amended

**10.** *The Corporations Tax Act, 1957* is amended by adding thereto the following section:

Certain  
vessels  
classified  
for special  
capital cost  
allowances

34a. Where a corporation disposes of a vessel that is other than one described by clauses *a*, *b* and *c* of subsection 1 of section 33 or that is one to which conversion or major alteration has been made in accordance with subsection 2 of section 33 and, where the corporation elects under section 4 of the *Canadian Vessel Construction Assistance Act* (Canada) to have such a vessel, or such part of a vessel as equals the excess of the capital cost thereof over the conversion cost, as the case may be, constituted a prescribed class, such vessel or such part, as the case may be, shall be deemed for the purposes of clause *a* of subsection 1a of section 23 and section 32 to be a prescribed class and the undepreciated capital cost of such vessel or such part, as the case may be, shall be an amount determined in accordance with the *Canadian Vessel Construction Assistance Act* (Canada).

R.S.C. 1952,  
c. 43

1957, c. 17,  
amended

**11.** *The Corporations Tax Act, 1957* is amended by adding thereto the following section:

Election  
respecting  
recapture of  
excess  
capital  
allowance

36a.—(1) Where an amount is included in computing the income of a corporation for a fiscal year by virtue of section 32 and where the corporation has elected to pay tax thereon in accordance with section 43 of the *Income Tax Act* (Canada), the corporation shall exclude the amount that would otherwise be taxable so that,

R.S.C. 1952,  
c. 148

- (a) no amount shall be included in computing its income for the fiscal year by virtue of section 32; and
- (b) the taxable income thereof for each of the preceding fiscal years in the period determined under subsection 2 shall be increased by the portions of the amount that would otherwise be included by virtue of section 32 determined under subsection 2.

(2) Where the period during which the corporation was <sup>Idem</sup> not exempt from tax under section 4 and immediately before the fiscal year for which an amount would otherwise be included in computing its income by virtue of section 32 is only one fiscal year or less, subsection 1 does not apply, and, where that period,

(a) is more than one fiscal year and not more than two fiscal years, the portion referred to in clause *b* of subsection 1 is one-half and the period referred to therein is the two immediately preceding fiscal years;

(b) is more than two fiscal years and not more than three fiscal years, the portion referred to in clause *b* of subsection 1 is one-third and the period referred to therein is the three immediately preceding fiscal years;

(c) is more than three fiscal years and not more than four fiscal years, the portion referred to in clause *b* of subsection 1 is one-quarter and the period referred to therein is the four immediately preceding fiscal years; and

(d) is more than four fiscal years, the portion referred to in clause *b* of subsection 1 is one-fifth and the period referred to therein is the five immediately preceding fiscal years.

**12.** *The Corporations Tax Act, 1957* is amended by adding <sup>1957, c. 17, amended</sup> thereto the following section:

36*b*. Where the property described in the inventory of a business at the commencement of a fiscal year has, according to the method adopted by the corporation for computing income from the business for that fiscal year, not been valued as required by section 26, the property described therein at the commencement of that fiscal year shall, if the Treasurer so directs, be deemed to have been valued as required by section 26, and, in any such case, the provisions of section 36*a* shall apply *mutatis mutandis* as though any amount by which the income of the corporation for the fiscal year is increased by virtue of this section were an amount included in computing its income for the year by virtue of section 32. <sup>Election respecting incorrect valuation of inventory</sup>

**13.**—(1) Clause *a* of section 37 of *The Corporations Tax Act, 1957*, as re-enacted by section 15 of *The Corporations Tax Act, 1958*, <sup>1957, c. 17, s. 37, cl. *a* (1958, c. 16, s. 15), re-enacted</sup>

*Amendment*

*Amendment Act, 1958*, is repealed and the following substituted therefor:

charitable  
donations

- (a) the aggregate of gifts made by the corporation in the fiscal year, or in the immediately preceding fiscal year to the extent of the amount thereof that was not deductible under Part III in computing the taxable income of the corporation for that immediately preceding fiscal year, to organizations in Canada exempt from tax under Part I of the *Income Tax Act* (Canada) by paragraphs *e*, *f*, *g* and *ga* of subsection 1 of section 62 thereof and to Her Majesty in right of any province of Canada other than Ontario and any Canadian municipality, not exceeding 10 per cent of the income of the corporation for the fiscal year, if payment of the amounts given is proven by the filing of receipts or photostatic reproductions thereof with the Treasurer.

1957, c. 17,  
s. 37, cl. *c*,  
subcl. iii,  
par. A,  
re-enacted

- (2) Paragraph A of subclause iii of clause *c* of the said section 37 is repealed and the following substituted therefor:

- (A) the income of the corporation for the fiscal year from the business in which the loss was sustained and its income for the fiscal year from any other business,  
or

. . . . .

1957, c. 17,  
s. 37,  
amended

- (3) The said section 37 is amended by adding thereto the following subsections:

Application  
of  
subs. 1, cl. *c*

- (2) Clause *c* of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, a business loss sustained by it in a preceding fiscal year, in any case where,

- (a) more than 50 per cent of the shares in the capital stock of the corporation have, between the end of that preceding fiscal year and the end of the taxation year, been acquired by a person or persons who did not, at the end of that preceding fiscal year, own any of the shares in the capital stock of the corporation; and

- (b) the corporation was not, during the taxation year, carrying on the business in which the loss was sustained.



- (3) Clause *c* of subsection 1 does not apply to permit a <sup>Idem</sup> corporation to deduct, for the purpose of computing its taxable income for a fiscal year, such part of a loss from farming sustained by it in another fiscal year as was not by virtue of section 25 deductible in computing its income, if any, for the taxation year from farming.

**14.** Section 38 of *The Corporations Tax Act, 1957*, as <sup>1957, c. 17,</sup> amended by section 16 of *The Corporations Tax Amendment* <sup>s. 38,</sup> *Act, 1958*, is further amended by adding thereto the following subsection:

- (2) Where a corporation has, in computing its taxable <sup>Losses not</sup> income for a fiscal year, deducted an amount under <sup>deductible</sup> this section in respect of a dividend, no loss arising <sup>for trading</sup> from transactions with reference to the share in <sup>stock</sup> respect of which the dividend was received shall be allowed to reduce the income of the corporation for that or a subsequent fiscal year unless it is established by the corporation that,

- (a) the corporation owned the share 365 days or longer before the loss was sustained; and
- (b) the corporation did not, at the time the dividend was received, own more than 5 per cent of any class of the issued share capital of the corporation from which the dividend was received.

**15.—**(1) Subsection 1 of section 48 of *The Corporations* <sup>1957, c. 17,</sup> *Tax Act, 1957* is repealed and the following substituted there- <sup>s. 48, subs. 1,</sup> <sup>re-enacted;</sup> for:

- (1) Where a corporation is an employer and has made a <sup>Employer's</sup> special payment in a fiscal year on account of an <sup>payment to</sup> employees' superannuation or pension fund or plan <sup>pension</sup> in respect of past services of employees pursuant to a recommendation by a qualified actuary in whose opinion the resources of the fund or plan required to be augmented by an amount not less than the amount of the special payment to ensure that all the obligations of the fund or plan to the employees may be discharged in full, and has made the payment so that it is irrevocably vested in or for the fund or plan and the payment has been approved by the Treasurer, there may be deducted in computing the income of the corporation for the fiscal year the amount of the special payment.

(2)

## Application

(2) This section applies to corporations in respect of all fiscal years ending during 1958 and subsequent fiscal years, and, in the case of any special payment made before the commencement of the fiscal year of a corporation ending in 1958 in respect of which an amount would, but for this section, have been deductible under section 48 of *The Corporations Tax Act, 1957* in computing the income of a corporation for the fiscal year thereof ending in 1958 or any subsequent fiscal year, notwithstanding clauses *a* and *b* of subsection 1 of section 24, there may be deducted in computing the income of the corporation for its fiscal year ending in 1958 an amount not exceeding the amount of the special payment minus the aggregate of the amounts that were deductible in respect thereof under section 48 in computing the income of the corporation for fiscal years thereof that ended prior to the fiscal year ending in 1958.

1957, c. 17,  
s. 54, subs. 5,  
re-enacted

**16.**—(1) Subsection 5 of section 54 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

Bonus  
payments

(5) Notwithstanding subsection 4, where a corporation the principal business of which is of the class described in clause *a* or *b* of subsection 3 has after 1952 paid an amount, other than a rental or royalty, to the Government of Canada or of a province for,

(a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada, which right is, for greater certainty, declared to include a right of the type commonly referred to as a "licence", "permit" or "reservation"; or

(b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada,

and the corporation has, before any well came into production on the land in reasonable commercial quantities, surrendered all its rights so acquired, including, in respect of a right of the kind described in clause *a*, all rights thereunder to any lease and all rights under any lease made thereunder, without receiving any consideration therefor or repayment of any part of the amount so paid, the amount so paid shall, for the purpose of subsection 3, be deemed to have been an expense incurred by the corporation as a drilling or exploration expense on or in respect

of exploring or drilling for petroleum or natural gas in Canada during the fiscal year in which its rights were so surrendered.

(2) The said section 54, as amended by subsections 1 to 7 <sup>1957, c. 17, s. 54, amended</sup> of section 22 of *The Corporations Tax Amendment Act, 1958*, is further amended by adding thereto the following subsection:

(8b) For the purposes of this section and section 61a, <sup>Extended meaning of "drilling and exploration expenses"</sup> "drilling and exploration expenses" incurred on or in respect of exploring or drilling for petroleum or natural gas in Canada includes expenses incurred on or in respect of,

- (a) drilling or converting a well for the disposal of waste liquids from a petroleum or natural gas well in Canada;
- (b) drilling for water or gas for injection into a petroleum or natural gas formation in Canada; and
- (c) drilling or converting a well for the injection of water or gas to assist in the recovery of petroleum or natural gas from another well in Canada.

**17.**—(1) Subsection 1 of section 55 of *The Corporations Tax Act, 1957* <sup>1957, c. 17, s. 55, subs. 1, re-enacted</sup> is repealed and the following substituted therefor:

(1) Where a corporation to which the exemptions provided by subsection 29 of section 4, subsection 8 of section 5 and the specially reduced tax provided by subsection 7 of section 6 would otherwise apply is prescribed by regulation, such exemptions and specially reduced tax shall not apply. <sup>Application of Act to certain corporations</sup>

(2) Subsection 4 of the said section 55 is amended by <sup>1957, c. 17, s. 55, subs. 1, amended</sup> striking out "of Her Majesty" in the first line.

**18.** Section 57 of *The Corporations Tax Act, 1957*, as <sup>1957, c. 17, s. 57, amended</sup> amended by section 25 of *The Corporations Tax Amendment Act, 1958*, is further amended by adding thereto the following subsection:

(6a) Clause c of subsection 1 does not apply to allow a <sup>"Cash" method of computing income</sup> deduction in computing the income of a corporation for a fiscal year from a business in any case where the income of the corporation for the fiscal year from that business is computed in accordance with the method authorized by subsection 1 of section 60.

1957, c. 17,  
s. 60, subs. 1,  
amended

**19.** Subsection 1 of section 60 of *The Corporations Tax Act, 1957*, as amended by section 26 of *The Corporations Tax Amendment Act, 1958*, is further amended by inserting after "elects" in the fourth line "under subsection 1 of section 85F of the *Income Tax Act* (Canada)", so that the first seven lines of the subsection shall read as follows:

Special  
method of  
computing  
income

- (1) For the purpose of computing the income of a corporation for a fiscal year from the business of farming, the income from the business for that fiscal year may, if the corporation so elects under subsection 1 of section 85F of the *Income Tax Act* (Canada), be computed in accordance with a method hereinafter in this section referred to as the "cash" method, whereby the income therefrom for that fiscal year shall be deemed to be an amount equal to,

R.S.C. 1952,  
c. 148

. . . . .

1957, c. 17,  
s. 61, cl. a,  
subcl. i,  
par. A,  
re-enacted

**20.** Paragraph A of subclause i of clause a of section 61 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

- (A) each amount outstanding at the end of the fiscal year as or on account of the principal amount of loans made by the corporation on the security of a mortgage, hypothec or agreement of sale of real property, or as or on account of the principal amount of any such mortgage, hypothec or agreement of sale purchased by the corporation.

1957, c. 17,  
amended

**21.** *The Corporations Tax Act, 1957* is amended by adding thereto the following section:

#### *Amalgamation of Corporations*

Interpre-  
tation

61a.—(1) In this section, an amalgamation of two or more corporations means a merger of such corporations, each of which is in this section referred to as a "predecessor corporation", to form one corporate entity in this section referred to as the "new corporation", in such manner that,

- (a) all of the property of the predecessor corporations immediately before the amalgamation becomes property of the new corporation by virtue of the amalgamation;
- (b) all of the liabilities of the predecessor corporations immediately before the amalgamation become liabilities of the new corporation by virtue of the amalgamation; and

(c)



- (c) all of the shareholders, except any predecessor corporation, of the predecessor corporations immediately before the amalgamation become shareholders of the new corporation by virtue of the amalgamation,

otherwise than as a result of the acquisition of property of one corporation by another corporation pursuant to the purchase of such property by the other corporation or as the result of the distribution of such property to the other corporation upon the winding-up of the corporation.

- (2) Where there has been an amalgamation of two or more corporations, the following rules apply: <sup>Rules applicable</sup>

- 1. For the purposes of this Act, the first fiscal year of the new corporation shall be deemed to have commenced at the time of the amalgamation, and a fiscal year of a predecessor corporation that would otherwise have ended after the amalgamation shall be deemed to have ended immediately before the amalgamation. <sup>Fiscal year of corporation</sup>

- 2. For the purpose of computing the income of the new corporation for its first fiscal year, where the property described in its inventory, if any, at the commencement of that fiscal year includes, <sup>Inventory</sup>

- (a) property that was described in the inventory of a predecessor corporation at the end of its fiscal year that ended immediately before the amalgamation, which fiscal year is in this section referred to as its "last fiscal year"; or

- (b) property that would have been described in the inventory of the predecessor corporation at the end of its last fiscal year if its income for that fiscal year had not been computed in accordance with the method authorized by subsection 1 of section 60,

the property so included shall be deemed to have been acquired by the new corporation at the commencement of its first fiscal year for an amount determined in accordance with



section 26 as the value thereof for the purpose of computing the income of the predecessor corporation for its last fiscal year, except that, where the income of the predecessor corporation for its last fiscal year was computed in accordance with the method authorized by subsection 1 of section 60, the amount so determined shall be deemed to be nil.

Method  
adopted for  
computing  
income

3. Where the method adopted by the new corporation for computing its income for a fiscal year is not the same as the method adopted by a predecessor corporation for computing its income for its last fiscal year or a previous fiscal year, in computing the income of the new corporation for that fiscal year,

- (a) there shall be included any amount received by it in that fiscal year in payment of or on account of a debt owing to the predecessor corporation that would, if it had been received by the predecessor corporation in its last fiscal year, have been included in computing the income of the predecessor corporation for that fiscal year; and
- (b) there may be deducted any amount paid by it in that fiscal year in payment of or on account of a debt owing by the predecessor corporation that would, if it had been paid by the predecessor corporation in its last fiscal year, have been deductible in computing the income of the predecessor corporation for that fiscal year.

Capital cost,  
etc., of  
depreciable  
property

4. For the purpose of clause *a* of subsection 1*a* of section 23 and section 32,

- (a) where depreciable property is acquired by the new corporation from a predecessor corporation, the capital cost of the depreciable property to the new corporation shall be deemed to be the amount that was the capital cost thereof to the predecessor corporation; and
- (b) in determining the undepreciated capital cost to the new corporation of depreciable property at any time, there

shall be included in the aggregate of the amounts to be subtracted from the capital cost to the new corporation of depreciable property the aggregate of the amounts that would have been so subtracted in computing the undepreciated capital cost to each of the predecessor corporations of depreciable property immediately before the amalgamation.

5. For the purpose of computing the income of <sup>Reserves</sup> the new corporation for a fiscal year, any amount that has been deducted as a reserve under clause *g* of subsection 1 of section 23, section 57 or section 61 in computing the income of a predecessor corporation for its last fiscal year shall be deemed to have been deducted as a reserve thereunder in computing the income of the new corporation for a fiscal year immediately preceding its first fiscal year.

6. For the purpose of computing a deduction <sup>Debts</sup> from the income of the new corporation for a fiscal year under clause *g* or *h* of subsection 1 of section 23 or section 61, where any debt owing to a predecessor corporation,

- (a) that was included in computing the income of the predecessor corporation for its last fiscal year or a previous fiscal year; or

- (b) that arose from a loan made in the ordinary course of business by the predecessor corporation, part of the ordinary business of which was the lending of money,

has, by virtue of the amalgamation, been acquired by the new corporation, the amount thereof shall be deemed to be a debt owing to the new corporation that was included in computing the income of the new corporation for a previous fiscal year or that arose from a loan so made by it, as the case may be.

7. For the purpose of clause *a* of section 37, gifts <sup>Charitable donations</sup> made by a predecessor corporation in its last fiscal year shall, to the extent that they were not deductible in computing its taxable

income

income for that fiscal year, be deemed to have been made by the new corporation in a fiscal year immediately preceding its first fiscal year.

Business  
losses

8. For the purpose of clause *c* of section 37, business losses sustained by a predecessor corporation are not deductible in computing the taxable income of the new corporation.

Un-  
distributed  
income

9. For the purpose of computing the undistributed income of the new corporation on hand at any time, where a predecessor corporation had undistributed income on hand immediately before the amalgamation, the amount thereof shall be added to the amount determined under subsection 1 of section 52 from which the aggregate of the amounts referred to in clauses *a* to *f* thereof is to be subtracted.

Exploration,  
prospecting  
and develop-  
ment  
expenses

- (3) Notwithstanding subsection 7 of section 54, where there has been an amalgamation of two or more corporations after the year 1957 and the principal business of the new corporation is,

- (a) production, refining or marketing of petroleum, petroleum products or natural gas, or exploring or drilling for petroleum or natural gas;
- (b) mining or exploring for minerals;
- (c) processing mineral ores for the purpose of recovering metals therefrom; or
- (d) a combination of processing mineral ores for the purpose of recovering metals therefrom and processing metals recovered from the ore so processed,

there may be deducted by the new corporation in computing its income for a fiscal year the aggregate of the following amounts in respect of expenses incurred by predecessor corporations, namely, in respect of each individual predecessor corporation, an amount that is the lesser of,

- (e) the aggregate of,
  - (i) the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by the

predecessor

predecessor corporation on or in respect of exploring or drilling for petroleum or natural gas in Canada, and

- (ii) the prospecting, exploration and development expenses incurred by the predecessor corporation in searching for minerals in Canada,

to the extent that such expenses,

- (iii) were not deductible by the new corporation in computing its income for a previous fiscal year and were not deductible by the predecessor corporation in computing its income for its last fiscal year or its income for a previous fiscal year, and
  - (iv) would, but for the provisions of clause *b* of subsection 1 of section 54, clause *b* of subsection 2 of section 54, clause *d* of subsection 3 of section 54 and clause *d* of subsection 7 of section 54, or any of those clauses, have been deductible by the predecessor corporation in computing its income for its last fiscal year; or
- (f) of the aggregate determined under clause *e*, an amount equal to such part of the income of the new corporation for the fiscal year,
- (i) if no deduction were allowed under clause *b* of subsection 1*a* of section 23, and
  - (ii) if no deduction were allowed under this section,

minus any deduction allowed for the fiscal year by section 38, as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells, or the production of minerals from mines, situated on property from which the predecessor corporation had, immediately before the amalgamation, a right to take or remove petroleum or natural gas or a right to take or remove minerals,

and



and no amount in respect of expenses of the predecessor corporation included in the aggregate determined under clause *e* shall, where subsection 1 of section 52 is being applied to determine for the purpose of rule 1 of subsection 2 of this section the undistributed income of the predecessor corporation on hand immediately before the amalgamation, be included in the amount or amounts deductible under any clause of subsection 1 of section 52.

1957, c. 17,  
amended

**22.** *The Corporations Tax Act, 1957* is amended by adding thereto the following section:

Tax on  
tax

61*b*. Where under a contract, will or trust, made or created before the 14th day of May, 1953, a person is required to make a payment to a corporation and is required by the terms of the contract, will or trust to pay an additional amount measured by reference to tax payable by such corporation under Part I of the *Income Tax Act* (Canada) and Part II of this Act by reason of the payment,

R.S.C. 1952,  
c. 148

- (a) the tax payable by the corporation under Part II of this Act for the fiscal year in or in respect of which such a payment is made or becomes payable is the amount that the tax of the corporation under Part II of this Act would be if no amount under the contract were included in computing its income for the fiscal year plus,
  - (i) the amount by which its tax under Part I of the *Income Tax Act* (Canada) and Part II of this Act would be increased by including the payment in computing its income, and
  - (ii) the amount by which the tax of the corporation under Part II of this Act would be further increased by including, in computing its income for the fiscal year, the amount fixed by subclause i or the additional payment, whichever is the lesser; and
- (b) if the person required to make the payment is a corporation and would otherwise be entitled to deduct the amounts payable under such a contract in computing its income for a fiscal year, such corporation is not entitled to deduct the amount determined under subclause ii of clause *a*.



**23.** Subsection 6 of section 70 of *The Corporations Tax Act*, 1957, c. 17, s. 70, subs. 6, 1957 is repealed and the following substituted therefor: re-enacted

- (6) In addition to the interest payable under subsections 1 and 2, every corporation required by section 69 to pay a part or instalment or the whole of the tax for a fiscal year on or before the day on or before which a return under subsection 1 of section 66 is required to be delivered for that fiscal year shall pay penalty interest on any part or instalment or the whole of such tax that remains unpaid more than two months after the day such part or instalment or such whole was required to be paid by section 69 at the rate of one-quarter of 1 per cent per month or part thereof calculated with respect to each part or instalment or the whole of such tax, as the case may be, from two months following the date on or before which each part or instalment or the whole of such tax, as the case may be, is required to be paid by section 69 until the date of payment.

**24.** Subsection 1 of section 73 of *The Corporations Tax Act*, 1957 is repealed and the following substituted therefor: 1957, c. 17, s. 73, subs. 1, re-enacted

- (1) If the return required to be delivered by a corporation under section 66 for a fiscal year has been delivered within four years from the end of that fiscal year, the Treasurer,
- (a) may, upon mailing the notice of assessment for the fiscal year, refund without application therefor any overpayment made on account of the tax payable for the fiscal year; and
- (b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the corporation within four years from the day on which the overpayment was made or the day on which the notice of assessment was mailed.

**25.** Subsection 2 of section 74 of *The Corporations Tax Act*, 1957 is repealed and the following substituted therefor: 1957, c. 17, s. 74, subs. 2, re-enacted

- (2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Comptroller.

1957, c. 17,  
s. 75, subs. 3,  
re-enacted

**26.** Subsection 3 of section 75 of *The Corporations Tax Act*, 1957 is repealed and the following substituted therefor:

Notice of  
appeal

(3) A notice of appeal shall be served upon the Treasurer by being sent by registered mail addressed to the Comptroller.

1957, c. 17,  
s. 85,  
amended

**27.** Section 85 of *The Corporations Tax Act*, 1957 is amended by adding thereto the following subsection:

Exception

(3) Notwithstanding subsection 1, the Treasurer may, for the purpose of aiding in an investigation for taxation purposes under this or any other Act, enter into an agreement with the government of Canada or of any province under which officers of such government will be allowed access to information obtained or any written statement furnished under this Act and officers of the Government of Ontario will be allowed access to information obtained or any written statement furnished under any Act of such government.

Application  
of this Act

**28.**—(1) Subsections 1, 4 and 6 of section 1, sections 2, 3 and 4, subsection 1 of section 5 and sections 8, 9, 10, 11, 14, 19, 22 and 24 apply in respect of the fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years.

Idem

(2) Subsections 2, 3, 5 and 7 of section 1, subsection 2 of section 5 and sections 6, 7, 12, 13, 16, 17, 18, 20 and 23 apply in respect of the fiscal years of corporations ending in 1958 and in respect of subsequent fiscal years.

Regulations  
revoked

**29.** Part I of Ontario Regulations 219/57, as made by regulation 2 of Ontario Regulations 19/59, is revoked.

Commence-  
ment

**30.** This Act comes into force on the day it receives Royal Assent.

Short title

**31.** This Act may be cited as *The Corporations Tax Amendment Act*, 1959.

## CHAPTER 21

## An Act to amend The Credit Unions Act, 1953

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Credit Unions Act, 1953* is amended <sup>1953, c. 26, s. 12, amended</sup> by inserting after "Limited" in the first line "or 'Limitée' ", so that the section shall read as follows:

12. The word "Limited" or "Limitée" shall be the last <sup>"Limited" or "Limitée" in name</sup> word of the name of every credit union.

2. Subsection 2 of section 26 of *The Credit Unions Act, 1953* is amended <sup>1953, c. 26, s. 26, subs. 2, amended</sup> by striking out "by-law" in the first line and inserting in lieu thereof "resolution of the members" and by striking out "by-law" in the fifth line and inserting in lieu thereof "resolution", so that the subsection shall read as follows:

(2) A credit union may by resolution of the members <sup>Educational fund</sup> provide that, after making provision for the guarantee fund and before declaring a dividend, an amount not exceeding 5 per cent of the net earnings shall be set aside in a special fund to be used for such educational purposes as may be specified in the resolution.

3. Subsection 2 of section 47 of *The Credit Unions Act, 1953*, as re-enacted by section 17 of *The Credit Unions Amendment Act, 1954*, <sup>1953, c. 26, s. 47 (1954, c. 17, s. 17), subs. 2, amended</sup> is amended by adding at the end thereof "and he may take such other action as he deems necessary for the protection or in the interest of the members, including the calling of meetings of members and having his representative attend the meeting for the purpose of explaining the situation to the members", so that the subsection shall read as follows:

(2) Where it appears to the Superintendent from an <sup>Idem</sup> examination of the condition and affairs of a credit

union

union that the assets are shown on the statement mentioned in section 45 at an amount greater than the true value, he may require the credit union to set aside out of earnings such additional reserves as he considers necessary, and where in his opinion the value of the assets of the credit union is less than its liabilities, including the share accounts of its members, the Superintendent may prohibit the credit union from taking further deposits or payments on shares from members or from making any payments to its members, or may limit such payments for such period as he deems necessary to protect the interests of the members, and he may take such other action as he deems necessary for the protection or in the interest of the members, including the calling of meetings of members and having his representative attend the meeting for the purpose of explaining the situation to the members.

1953, c. 26,  
s. 49,  
subs. 3,  
re-enacted

4. Subsection 3 of section 49 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor:

Certificate  
of incor-  
poration  
of league

- (3) Upon receipt of the documents mentioned in subsection 2, the Provincial Secretary may in his discretion refuse to issue a certificate of incorporation or may issue a certificate of incorporation, and upon incorporation the provisions of this Act applicable to credit unions, except where inconsistent with this section, apply *mutatis mutandis* to leagues incorporated under this section.

1953, c. 26,  
amended

5. *The Credit Unions Act, 1953* is amended by adding thereto the following section:

Sale and  
purchase  
of assets

- 52a.—(1) A credit union may sell all or any part of its assets to another credit union or it may purchase all or any part of the assets of another credit union in accordance with this section.

Purchase  
price

- (2) The purchasing credit union may assume, as part of the purchase price, any or all of the liabilities of the selling credit union and may pay the balance in cash or by the issue of shares to the selling credit union or the members thereof whether or not such members are members of the purchasing credit union.

Agreement

- (3) The selling credit union shall enter into an agreement with the purchasing credit union containing the terms and conditions of the sale, and the selling



credit union shall within one month after the agreement is signed file a copy thereof with the Superintendent for his approval.

- (4) If and when the agreement is approved by the Superintendent, each of the credit unions shall submit it to a meeting of its shareholders of which due notice shall have been given to all shareholders stating the purpose for which the meetings are called. Submission of agreement to shareholders
- (5) If the agreement is approved by the shareholders of each of the credit unions by at least a three-fourths vote of the shareholders present at each meeting, the secretary of each credit union shall certify on the agreement that it has been so approved and shall forward a copy of the agreement so certified to the Superintendent. Approval by shareholders
- (6) Upon the approval of the shareholders of each of the credit unions, the agreement is binding on each of the credit unions and the sale shall thereafter be completed as of the effective date specified in the agreement which shall be a date subsequent to the approval by the shareholders of each of the credit unions. Effect of approval
- (7) In the event the agreement does not specify an effective date, the Superintendent may fix a date upon which it will become effective. Effective date
- (8) If the selling credit union has disposed of all its assets under the agreement, it shall cease to carry on business on the effective date of the agreement, except for the purpose of winding up its affairs, and it shall dissolve as soon as possible thereafter. Where all assets disposed of

**6.** This Act comes into force on the day it receives Royal Assent. Commencement

**7.** This Act may be cited as *The Credit Unions Amendment Act, 1959*. Short title





CHAPTER 22

**An Act to declare  
the Status of Crown Agencies**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "Crown agency" means any board, com-<sup>Interpre-</sup> mission, railway, public utility, university, manufactory, tation company or agency owned, controlled or operated by Her Majesty in right of Ontario, or by the Government of Ontario, or under the authority of the Legislature or the Lieutenant-Governor in Council.

**2.** Every Crown agency is for all its purposes an agent of <sup>Status of</sup> Her Majesty and its powers may be exercised only as an agent <sup>Crown</sup> of Her Majesty. <sup>agency</sup>

**3.** This Act does not affect The Hydro-Electric Power <sup>Ontario</sup> Commission of Ontario. <sup>Hydro</sup>  
<sup>not</sup>  
<sup>affected</sup>

**4.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**5.** This Act may be cited as *The Crown Agency Act, 1959*. <sup>Short title</sup>



## CHAPTER 23

**An Act to amend The Crown Timber Act, 1952**

*Assented to March 26th, 1959*

*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 45 of *The Crown Timber Act, 1952* is repealed. 1952, c. 15, s. 45, repealed
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Crown Timber Amendment Act, 1959*. Short title





## CHAPTER 24

## An Act to amend The Crown Witnesses Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Schedule to *The Crown Witnesses Act*, as amended by section 1 of *The Crown Witnesses Amendment Act, 1956*,<sup>R.S.O. 1950, c. 83, Sched., re-enacted</sup> is repealed and the following substituted therefor:

## SCHEDULE

(Section 2 (1) )

*Witness Fees and Allowances*

- |   |         |
|---|---------|
| 1. Attending trial, each day.....   | \$ 6.00 |
| Barristers, solicitors, physicians and surgeons when called upon to give evidence in consequence of any professional service rendered by them or to give professional opinions, each day.....   |         |
|   | 15.00   |
| Engineers, accountants, surveyors and architects when called upon to give evidence in consequence of any professional service rendered by them or to give evidence depending upon their skill or judgment, each day.....  |         |
|   | 15.00   |
| 2. Where a witness travels by his own automobile, 10 cents a mile each way for each mile necessarily travelled between his place of residence and the place of trial, but where the trial is held in the city in which the witness resides, 75 cents.                                     |         |
| The distance travelled shall be ascertained by the declaration of the Crown attorney.   |         |
| 3. Where a witness travels by a means other than his own automobile, a sum equal to the amount of the fare actually paid for the transportation from his place of residence to the place where the trial is held and return.  |         |
| 4. Where a witness is required to attend the trial on more than one day and returns to his place of residence at night, the travelling allowance mentioned in item 2 or 3, as the case may be, is payable in respect of each day's attendance.  |         |
| 5. Where a witness resides elsewhere and in the opinion of the Crown attorney it is desirable that he remain over-night at the place at which the trial is held, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night. |         |

Commence-  
ment

**2.** This Act comes into force on the 1st day<sup>7</sup> of September, 1959.

Short title

**3.** This Act may be cited as *The Crown Witnesses Amendment Act, 1959*.

## CHAPTER 25

**An Act to amend  
The Department of Agriculture Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Department of Agriculture Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 93,  
amended

**4a.**—(1) Upon the recommendation of the Minister, the Lieutenant-Governor in Council may establish programmes for the encouragement of any branch of agriculture. Establishment of programmes

(2) A programme may determine the conditions under which services are provided by the Department and expenses allowed or grants payable. Conditions to services or grants

(3) A programme may require that fees be paid by persons engaged in the branch of agriculture to which the programme applies and may fix the amounts thereof. Fees

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Department of Agriculture Amendment Act, 1959*. Short title



## CHAPTER 26

**An Act to establish  
the Department of Energy Resources**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

(a) "Department" means Department of Energy Resources;

(b) "Minister" means the member of the Executive Council designated by the Lieutenant-Governor in Council as the Minister of Energy Resources.

**2.** There shall be a department of the public service to be known as the Department of Energy Resources over which the Minister shall preside and have charge.

Department  
established

**3.—(1)** A deputy minister of the Department may be appointed by the Lieutenant-Governor in Council.

Deputy  
minister

**(2)** The Lieutenant-Governor in Council may appoint such officers, clerks and servants as may be deemed necessary from time to time for the proper conduct of the business of the Department.

Staff

**4.** Notwithstanding the provisions of any other Act, the Lieutenant-Governor in Council may assign the administration of any Act to the Minister and the Minister shall be responsible for the administration of any Act so assigned and may exercise the powers and shall perform the duties of the minister named in any Act so assigned.

Assignment  
of Acts to  
Minister

**5.** In addition to the responsibilities that are assigned to the Minister under section 4, the Minister shall perform such functions and duties as may be assigned to him from time to time by the Lieutenant-Governor in Council.

Additional  
functions



## Expenses

**6.**—(1) Except during the fiscal year ending the 31st day of March, 1960, the expenses of the Department shall be paid out of the moneys appropriated therefor by the Legislature.

## Idem

(2) During the fiscal year ending the 31st day of March, 1960, the expenses of the Department shall be paid out of the Consolidated Revenue Fund.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

## Short title

**8.** This Act may be cited as *The Department of Energy Resources Act, 1959*.

## CHAPTER 27

# **An Act to amend The Department of Transport Act, 1957**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Department of Transport Act, 1957* is amended by <sup>1957, c. 26,  
amended</sup> adding thereto the following section:

5a.—(1) The Government of Ontario, represented by the Minister of Transport, may make reciprocal arrangements and enter into agreements with the government or governments of any province or provinces of Canada, <sup>Provincial agreements re licensing and fees re commercial motor vehicles, etc.</sup>

(a) providing for the licensing of public commercial vehicles and public vehicles, for the registration of commercial motor vehicles and trailers, and for exemptions from such licensing and registration;

(b) prescribing the fees to be paid therefor and providing for the payment and apportionment of such fees; and

(c) providing for such other related matters as may be deemed necessary.

(2) The provisions of *The Highway Traffic Act*, *The Public Commercial Vehicles Act* and *The Public Vehicles Act*, and regulations made thereunder, with respect to licensing and registration of vehicles shall be subject to any agreement entered into under this section. <sup>Acts subject to agreement R.S.O. 1950, cc. 167, 304, 322</sup>

(3) A public commercial vehicle licence issued for a commercial motor vehicle or trailer by a province with which an agreement has been entered into under this section with respect to such a licence shall be <sup>Public commercial vehicles</sup>

deemed

deemed for the purposes of *The Public Commercial Vehicles Act* to be a public commercial vehicle licence under that Act.

Public  
vehicles

- (4) A public vehicle licence issued for a public vehicle by a province with which an agreement has been entered into under this section with respect to such a licence shall be deemed for the purposes of *The Public Vehicles Act* to be a public vehicle licence under that Act.

Commercial  
motor  
vehicles

- (5) A permit for the registration of a commercial motor vehicle or trailer issued by a province with which an agreement has been entered into under this section with respect to such a permit shall be deemed for the purposes of *The Highway Traffic Act* to be a permit for the registration of such vehicle under that Act.

Suspension  
of licences  
or permits

- (6) Where a licence or permit issued by a province with which an agreement has been entered into under this section is deemed for the purposes of any Act of the Legislature to be a licence or permit under such Act, the provisions of such Act with respect to suspension or cancellation of such a licence or permit shall apply in so far as the licence or permit is effective in Ontario.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Department of Transport Amendment Act, 1959*.

## CHAPTER 28

**An Act to amend  
The Department of Travel and Publicity Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 11 of *The Department of Travel and Publicity Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 100, s. 11,  
amended

(2) The Minister may make regulations providing for Idem the apportionment and distribution of all moneys appropriated by the Legislature for the maintenance of historical institutions and for the conditions governing the payment thereof.

**2.** This Act comes into force on the 1st day of April, 1959. Commence-  
ment

**3.** This Act may be cited as *The Department of Travel and Publicity Amendment Act, 1959*. Short title





## CHAPTER 29

# An Act to amend The Deserted Wives' and Children's Maintenance Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 9 of *The Deserted Wives' and Children's Maintenance Act*, as re-enacted by section 1 of *The Deserted Wives' and Children's Maintenance Amendment Act, 1951*, is repealed and the following substituted therefor: R.S.O. 1950, c. 102, s. 9 (1951, c. 20, s. 1), subs. 1. re-enacted

- (1) When default is made in the payment of any sum of money ordered to be paid under this Act, a justice of the peace, Enforcement of order
- (a) may from time to time summon the person in default to explain the default; and
  - (b) if the service of the summons is proved and the person summoned does not appear and sufficient reason for his absence is not given, or if it appears that the summons could not be served, may issue a warrant for his arrest,

and, if upon the hearing before a judge of the juvenile court or a magistrate the person in default fails to satisfy the judge or magistrate that such default is due to inability to pay, the judge or magistrate may order and adjudge such person to be imprisoned for a term of not more than three months unless the sum payable under the first-mentioned order, or such lesser sum as the judge or magistrate may designate, is sooner paid.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-ment

**3.** This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1959*. Short title



## CHAPTER 30

# An Act to amend The Dog Tax and the Cattle, Sheep and Poultry Protection Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Dog Tax and the Cattle, Sheep and Poultry Protection Act* is amended by adding thereto the following section: R.S.O. 1950, c. 107, amended

7a.—(1) The Lieutenant-Governor in Council may make regulations for prohibiting or regulating the running at large of dogs in territory without municipal organization or in any defined area thereof, for seizing and impounding, and for killing, whether before or after impounding, dogs running at large contrary to the regulations, and for selling dogs so impounded at such time and in such manner as may be provided in the regulations. Running at large of dogs in unorganized territory

(2) For the purpose of this section, a dog shall be deemed to be running at large when found on public lands or in a public place and not under the control of any person. What constitutes running at large

(3) Every owner of a dog who allows it to run at large contrary to the regulations made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. Penalty

**2.** Clause *b* of section 8 of *The Dog Tax and the Cattle, Sheep and Poultry Protection Act*, as re-enacted by section 4 of *The Dog Tax and the Cattle, Sheep and Poultry Protection Amendment Act, 1957*, is amended by striking out "terrifying" in the third line, so that the clause shall read as follows: R.S.O. 1950, c. 107, s. 8 (1957, c. 30, s. 4), cl. b, amended

(b) "injured" in respect of cattle, sheep or poultry means injured by wounding, worrying or pursuing, and "injuring" has a corresponding meaning.

R.S.O. 1950,  
c. 107, s. 10  
(1957, c. 30,  
s. 4),  
subs. 1,  
amended

**3.**—(1) Subsection 1 of section 10 of *The Dog Tax and the Cattle, Sheep and Poultry Protection Act*, as re-enacted by section 4 of *The Dog Tax and the Cattle, Sheep and Poultry Protection Amendment Act, 1957*, is amended by adding at the end thereof “or habitually kept upon his premises”, so that the subsection shall read as follows:

Liability  
of  
municipality

- (1) Whether the owner of a dog that kills or injures cattle, sheep or poultry is known or not, the local municipality in which the killing or injuring occurred is liable to the owner of the cattle, sheep or poultry for the amount of damage ascertained under section 11 and shall pay over such amount to the owner of the cattle, sheep or poultry, as the case may be, within thirty days after the owner of the cattle, sheep or poultry has filed with the clerk of the municipality an affidavit that to the best of his knowledge and belief the cattle, sheep or poultry were killed or injured by a dog other than a dog owned by him or habitually kept upon his premises.

R.S.O. 1950  
c. 107, s. 10  
(1957, c. 30,  
s. 4),  
subs. 3,  
amended

(2) Subsection 3 of the said section 10 is amended by inserting after “injured” in the eighth line “or for poultry of one owner killed or injured in any year”, so that the subsection shall read as follows:

By-law  
for  
damages  
by wild  
animals

- (3) The council of a local municipality may pass a by-law providing that where cattle, sheep or poultry are killed or injured by wild animals in the municipality, subsection 1 applies in the same manner as where cattle, sheep or poultry are killed or injured by a dog, but the council in the by-law may fix the maximum amount payable for any head of cattle or sheep so killed or injured, or for poultry of one owner killed or injured in any year, and may fix the proportion of the damages ascertained under section 12 that is payable.

R.S.O. 1950,  
c. 107, s. 11  
(1957, c. 30,  
s. 4), sub. 2,  
amended

**4.**—(1) Subsection 2 of section 11 of *The Dog Tax and the Cattle, Sheep and Poultry Protection Act*, as re-enacted by section 4 of *The Dog Tax and the Cattle, Sheep and Poultry Protection Amendment Act, 1957*, is amended by inserting after “him” in the fifth line “or habitually kept upon his premises”, so that the subsection shall read as follows:

Investigation  
and report  
by valuer

- (2) Where the owner of cattle, sheep or poultry discovers that any of his cattle, sheep or poultry has been killed or injured and to the best of his knowledge and belief such killing or injuring was done by a dog, other than a dog owned by him or habitually kept

upon

upon his premises, he shall immediately notify a valuer for the local municipality in which the cattle, sheep or poultry were killed or injured or the clerk of such municipality who shall forthwith notify a valuer, and such valuer shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage and his award therefor and he shall at the same time forward a copy of such report to the owner of the cattle, sheep or poultry.

(2) The said section 11 is amended by adding thereto the following subsections:

R.S.O. 1950,  
c. 107, s. 11  
(1957, c. 30,  
s. 4),  
amended

(2a) Where the valuer finds evidence that to the best of his knowledge and belief shows that,

Denial of  
liability

(a) any of the cattle, sheep or poultry was not killed or injured by a dog; or

(b) that the killing or injuring was caused by a dog owned by or habitually kept on the premises of the owner of the cattle, sheep or poultry; or

(c) the owner has not taken reasonable care to prevent the killing or injuring of his cattle, sheep or poultry by dogs,

the valuer shall include in his report to the clerk of the local municipality, and to the owner of the cattle, sheep or poultry, a statement of his belief and shall make forthwith a further report to the clerk of the municipality giving particulars of the evidence found, and the council of the municipality may thereupon deny liability in whole or in part by written notice given by the clerk of the municipality to the owner of the cattle, sheep or poultry within thirty days after the filing of his affidavit with the clerk.

(2b) The amount of damage for which the local municipality is liable shall not include damage incurred under the circumstances set out in clause *a*, *b* or *c* of subsection 2a and for which the municipality has denied liability in accordance with subsection 2a.

Damages  
limited

(3) Subsection 6 of the said section 11 is amended by inserting after "him" in the sixth line "or habitually kept

R.S.O. 1950,  
c. 107, s. 11  
(1957, c. 30,  
s. 4), subs. 6,  
amended

upon



upon his premises", so that the subsection shall read as follows:

Where no  
municipal  
valuer

- (6) Where there is no valuer of the local municipality or the clerk or the valuer does not discharge the duties imposed upon him by this Act, the Commissioner, on the application of the owner of any cattle, sheep or poultry killed or injured by a dog other than a dog owned by him or habitually kept upon his premises, may name a valuer to make an investigation and an award and the award so made is final and conclusive as to the amount of damage, and the municipality, in addition to its liability to the owner of the cattle, sheep or poultry as provided by section 10, shall forthwith pay to the Commissioner the cost of such investigation as fixed by him.

R.S.O. 1950,  
c. 107, s. 11  
(1957, c. 30,  
s. 4), subs. 8,  
re-enacted

- (4) Subsection 8 of the said section 11 is repealed and the following substituted therefor:

Amount of  
damage  
limited

- (8) No valuer appointed by a municipality or named by the Commissioner shall make an award of an amount in respect of,

(a) a head of cattle in excess of \$250;

(b) a head of sheep in excess of \$100; or

(c) poultry of one owner, killed or injured in any year, in excess of \$1,000.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short\_title

6. This Act may be cited as *The Dog Tax and the Cattle, Sheep and Poultry Protection Amendment Act, 1959*.

## CHAPTER 31

## An Act to amend The Evidence Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Evidence Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 119,  
amended

15a.—(1) In any legal proceeding where a child of tender years is offered as a witness and the child does not, in the opinion of the judge, justice or other presiding officer, understand the nature of an oath, the evidence of the child may be received though not given upon oath, if, in the opinion of the judge, justice or other presiding officer, as the case may be, the child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth. Evidence  
of child

(2) No case shall be decided upon such evidence unless such evidence is corroborated by some other material evidence. Corrobor-  
ation

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Evidence Amendment Act, 1959*. Short title



## CHAPTER 32

## An Act to amend The Execution Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 2 of *The Execution Act*, as amended by subsection 1 of section 1 of *The Execution Amendment Act, 1957*, is further amended by striking out “\$600” in the amendment of 1957 and inserting in lieu thereof “\$1,000”, so that the clause shall read as follows:

R.S.O. 1950,  
c. 120, s. 2,  
cl. *a*,  
amended

- (a) the household furniture, utensils and equipment that are contained in and form part of the permanent home of the debtor, provided that this clause shall not apply to furniture, utensils or equipment purchased for defeating the claims of creditors, and provided further that in the case of a writ issued upon a judgment given upon a claim for clothing, food, fuel or shelter supplied for the debtor or his family the exemption under this clause shall be limited to household furniture, utensils and equipment not exceeding in value \$1,000.

(2) Clause *e* of the said section 2, as re-enacted by subsection 2 of section 1 of *The Execution Amendment Act, 1957*, is amended by striking out “\$600” in the sixth line and inserting in lieu thereof “\$1,000”, so that the clause shall read as follows:

R.S.O. 1950,  
c. 120, s. 2,  
cl. *e*,  
(1957, c. 31,  
s. 1, subs. 2),  
amended

- (e) in the case of a debtor other than a person engaged in the tillage of the soil or farming, live stock, fowl, bees, books, tools and implements and other chattels necessary to and actually in use by the debtor in his business, profession or calling, to the extent of \$1,000.

(3) Clause *ee* of the said section 2, as enacted by subsection 2 of section 1 of *The Execution Amendment Act, 1957*, is amended by striking out “\$2,000” in the fifth line and

R.S.O. 1950,  
c. 120, s. 2,  
cl. *ee*,  
(1957, c. 31,  
s. 1, subs. 2),  
amended

inserting

inserting in lieu thereof "\$3,000", so that the clause shall read as follows:

- (*ee*) in the case of a person engaged solely in the tillage of the soil or farming, live stock, fowl, bees, books, tools and implements and other chattels necessary to and actually in use by the debtor in his business, profession or calling, to the extent of \$3,000.

R.S.O. 1950,  
c. 120, s. 3  
(1957, c. 31,  
s. 2),  
amended

**2.** Section 3 of *The Execution Act*, as re-enacted by section 2 of *The Execution Amendment Act, 1957*, is amended by striking out "\$2,000" in the third, fifth and sixth lines respectively and inserting in lieu thereof "\$3,000", so that the section shall read as follows:

Right of  
debtor to  
part of  
proceeds  
of sale of  
implements

3. The debtor may in lieu of the chattels referred to in clause *ee* of section 2 elect to receive the proceeds of the sale thereof up to \$3,000, in which case the officer executing the writ shall pay the net proceeds of the sale if the same do not exceed \$3,000 or, if the same exceed \$3,000, shall pay that sum to the debtor in satisfaction of the debtor's right to exemption under clause *ee*.

Short title

**3.** This Act may be cited as *The Execution Amendment Act, 1959*.



## CHAPTER 33

### An Act to amend The Executive Council Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Executive Council Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 121, s. 3, amended

(2a) The annual salary of every minister without portfolio, other than the minister without portfolio who is a member of The Hydro-Electric Power Commission of Ontario, shall be \$1,800. Salary of minister without portfolio

**2.** This Act comes into force on the 1st day of April, 1959. Commencement

**3.** This Act may be cited as *The Executive Council Amendment Act, 1959*. Short title



## CHAPTER 34

# **An Act to amend The Farm Products Grades and Sales Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *k* of subsection 1 of section 2 of *The Farm Products Grades and Sales Act* is amended by inserting after <sup>R.S.O. 1950, c. 130, s. 2, subs. 1, cl. *k*, amended</sup> “marketing” in the second line “or storing”, so that the clause shall read as follows:

- (*k*) providing for the issuing of licences for engaging in the marketing or storing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences.

(2) Clause *l* of subsection 1 of the said section 2 is amended by inserting after “marketing” in the first line “or storing”, <sup>R.S.O. 1950, c. 130, s. 2, subs. 1, cl. *l*, amended</sup> so that the clause shall read as follows:

- (*l*) prohibiting persons from engaging in the marketing or storing of farm products and from operating markets for farm products except under the authority of a licence under this Act.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1959*. <sup>Short title</sup>



## CHAPTER 35

## An Act to amend The Farm Products Marketing Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 4 of *The Farm Products Marketing Act*, as re-enacted by section 3 of *The Farm Products Marketing Amendment Act, 1958*, is amended by striking out “shall” in the fifth line and inserting in lieu thereof “may”, so that the subsection shall read as follows:

- (2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the marketing or regulating of a farm product or any class or portion thereof will be conducive to the more efficient production and marketing of the farm product, the Board may submit to a plebiscite of the producers of the farm product or class or portion thereof the question of favour of the plan.

(2) Subsection 3 of the said section 4 is amended by striking out “shall” in the fifth line and inserting in lieu thereof “may” and by striking out “plebiscite shall not be required to be taken” in the seventh and eighth lines and inserting in lieu thereof “petition need not be considered by the Board”, so that the subsection shall read as follows:

- (3) Where the Board receives from producers of a regulated product a petition which in the opinion of the Board bears the signatures of at least 15 per cent of the producers under the plan asking that the plan be revoked, the Board may submit to a plebiscite of the producers of the regulated product the question of favour of the plan, but a petition need not be considered by the Board in respect of a plan that was established within the preceding year or a plan on which a plebiscite of the producers was taken on a like question within the preceding two years.



R.S.O. 1950,  
c. 131, s. 4  
(1958, c. 27,  
s. 3), subs. 4,  
re-enacted

(3) Subsection 4 of the said section 4 is repealed and the following substituted therefor:

Submission  
or resubmis-  
sion to  
plebiscite  
by Board

(4) Where in the opinion of the Board an existing plan should be submitted or resubmitted to a plebiscite, it may submit or resubmit to a plebiscite of the producers of the regulated product the question of favour of the plan.

R.S.O. 1950,  
c. 131, s. 4  
(1958, c. 27,  
s. 3), subs. 6,  
amended

(4) Subsection 6 of the said section 4 is amended by inserting after "submits" in the first line "or resubmits", so that the subsection, exclusive of the clauses, shall read as follows:

Regulations  
for taking  
of plebiscite

(6) Where the Board submits or resubmits to a plebiscite of the producers of a farm product or class or portion thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations,

. . . . .

R.S.O. 1950,  
c. 131, s. 4  
(1958, c. 27,  
s. 3), subs. 6,  
cl. d,  
re-enacted

(5) Clause *d* of subsection 6 of the said section 4 is repealed and the following substituted therefor:

(*d*) providing for the appointment of revising officers and deputy returning officers and prescribing their powers to add names to or strike names from the voters' lists.

R.S.O. 1950,  
c. 131, s. 4  
(1958, c. 27,  
s. 3), subs. 9,  
re-enacted

(6) Subsection 9 of the said section 4 is repealed and the following substituted therefor:

Additional  
questions  
may be  
submitted  
to plebiscite

(9) Where the Board submits to a plebiscite of the producers of a farm product or a regulated product the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may at the same time also submit any question relating to the controlling or regulating of the marketing of any farm product or regulated product.

Plebiscite  
not invalid  
for any  
irregularity,  
etc.

(10) No plebiscite shall be declared invalid by reason of,

(a) any irregularity on the part of the returning officer or a deputy returning officer or in any of the proceedings in respect of the plebiscite;

(b) a failure to hold a poll at any place appointed for holding a poll;

(c)

- (c) non-compliance with the provisions of this Act or the regulations in respect of the plebiscite as to the taking of the poll or the counting of the votes, or as to limitations of time; or
- (d) any mistake in the use of the forms prescribed in the regulations in respect of the plebiscite,

if it appears that the irregularity, failure, non-compliance or mistake did not affect the result of the plebiscite.

- (11) Any irregularity in the preparation or revision of the voters' list for a plebiscite shall not be a ground for questioning the validity of the plebiscite and the persons whose names appear on the voters' list as finally revised shall be deemed to be the producers entitled to vote in the plebiscite. Irregularity in voters' list not to invalidate plebiscite
- (12) The Board may in such manner as it deems proper provide for a recount of the ballots cast in any of the polling districts for a plebiscite and may provide for a plebiscite to be resubmitted on the same question or questions in any or all polling districts. Recount of ballots, etc.
- (13) The Board shall retain in its possession any documents in respect of a plebiscite for at least one year after the last day of voting in the plebiscite. Voting documents to be retained

**2.—**(1) Subsection 1 of section 4a of *The Farm Products Marketing Act*, as enacted by section 3 of *The Farm Products Marketing Amendment Act, 1958*, is amended by adding at the commencement thereof "Notwithstanding section 4", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950, c. 131, s. 4a (1958, c. 27, s. 3), subs. 1, amended

- (1) Notwithstanding section 4, the Lieutenant-Governor in Council may make regulations, Regulations re plans and local boards

(2) Clause c of subsection 1 of the said section 4a is amended by adding at the end thereof "and providing that in the exercise of such powers the members of the local board shall be deemed to be the shareholders and the directors thereof", R.S.O. 1950, c. 131, s. 4a (1958, c. 27, s. 3), subs. 1, cl. c, amended so that the clause shall read as follows:

- (c) giving to any local board any or all of the powers which are vested in a co-operative corporation incorporated under Part V of *The Corporations Act, 1953*, 1953, c. 19

as amended from time to time, and providing that in the exercise of such powers the members of the local board shall be deemed to be the shareholders and the directors thereof.

R.S.O. 1950,  
c. 131, s. 4a  
(1958, c. 27,  
s. 3), subs. 1,  
amended

(3) Subsection 1 of the said section 4a is further amended by adding thereto the following clause:

(cc) prescribing by-laws for regulating the conduct of the affairs of the Board.

R.S.O. 1950,  
c. 131, s. 4a  
(1958, c. 27,  
s. 3),  
amended

(4) The said section 4a is amended by adding thereto the following subsection:

Acts of  
members  
valid

(4) The acts of a member or an officer of a local board are valid notwithstanding any defects that may afterwards be discovered in his qualifications and appointment or election.

R.S.O. 1950,  
c. 131, s. 6  
(1957, c. 34,  
s. 4), subs. 1,  
cl. 24,  
amended

**3.—**(1) Clause 24 of subsection 1 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is amended by striking out "upon the recommendation of the local board" at the commencement thereof, so that the clause shall read as follows:

24. designating a marketing agency by or through which a regulated product shall be marketed and requiring the regulated product to be marketed by or through such marketing agency.

R.S.O. 1950,  
c. 131, s. 6  
(1957, c. 34,  
s. 4), subs. 1,  
amended

(2) Subsection 1 of the said section 6 is amended by adding thereto the following clause:

26a. requiring any person who receives any of the regulated product from a producer to deduct from the moneys payable to the producer any licence fees, levies or charges payable by the producer to the local board or marketing agency, as the case may be, and to forward such licence fees, levies or charges to the local board or marketing agency.

R.S.O. 1950,  
c. 131, s. 6  
(1957, c. 34,  
s. 4), subs. 2,  
re-enacted

(3) Subsection 2 of the said section 6 is repealed and the following substituted therefor:

Agreements  
and awards

(2) Every agreement made under clause 14 of subsection 1 and every award made under clause 15 or 16 of subsection 1 and every re-negotiated agreement or award made under clause *b* of this subsection,

(a)

- (a) shall be filed with the Board forthwith after the making thereof and the Board may by order declare the agreement or award, or re-negotiated agreement or award, or part thereof to come into force on the day it is so filed or on such later day as may be named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, shall remain in force for one year or for such period as is provided in the agreement or award, or re-negotiated agreement or award; and
- (b) may at any time upon an order of the Board be re-negotiated in whole or in part in such manner as the Board may determine.

**4.**—(1) Clause *a* of section 7 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is amended by adding thereto the following subclause:

R.S.O. 1950,  
c. 131, s. 7  
(1957, c. 34,  
s. 4), cl. *a*,  
amended

- (ix) to purchase or otherwise acquire such quantity or quantities of the regulated product as the marketing agency deems advisable.

(2) The said section 7 is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 131, s. 7  
(1957, c. 34,  
s. 4),  
amended

- (2) Any powers exercisable by a marketing agency may be limited as to time and place.

Limitation  
of powers of  
marketing  
agency

**5.** *The Farm Products Marketing Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 131,  
amended

- 7a.** Where the Board delegates to a local board any of its powers or vests in a marketing agency powers to promote, regulate and control the marketing of a regulated product, the Board may, at any time,

Limitation  
of powers  
of local  
board

- (a) limit the powers of the local board or the marketing agency in any or all respects; and
- (b) revoke any regulation, order or direction of the local board or marketing agency made or purporting to be made under such powers.

**6.** Section 10 of *The Farm Products Marketing Act*, as enacted by section 5 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 131, s. 10  
(1957, c. 34,  
s. 5),  
re-enacted



## Penalties

10. Every person who fails to comply with or contravenes any of the provisions of this Act, or of the regulations, or of any plan, or of any order or direction of the Board or any local board or any marketing agency, or of any agreement or award or re-negotiated agreement or award filed with the Board, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a second or subsequent offence to a fine of not less than \$50 and not more than \$500.

R.S.O. 1950,  
c. 131,  
amended

**7.** *The Farm Products Marketing Act* is amended by adding thereto the following section:

Moneys  
received  
by Board

- 11a. All moneys received by the Board shall be deposited to the credit of the Consolidated Revenue Fund.

Plans  
declared  
valid

**8.**—(1) The following described plans are hereby declared valid and binding to all intents and purposes whatsoever notwithstanding that such plans would, but for this section, be invalid or not binding, and shall be deemed to have been established under *The Farm Products Marketing Act* as amended by this Act:

R.S.O. 1950,  
c. 131

1. The Ontario Asparagus Growers' Marketing-for-Processing Plan, Ontario Regulations 283/57.
2. The Ontario Bean Growers' Marketing Plan, Ontario Regulations 210/57.
3. The Ontario Berry Growers' Marketing-for-Processing Plan, Ontario Regulations 259/57.
4. The Ontario Fresh-peach Growers' Marketing Plan, Ontario Regulations 231/58.
5. The Ontario Peach Growers' Marketing-for-Processing Plan, Ontario Regulations 120/57.
6. The Ontario Pear, Plum and Cherry Growers' Marketing-for-Processing Plan, Ontario Regulations 130/57.
7. The Ontario Flue-Cured Tobacco Growers' Marketing Plan, Ontario Regulations 152/57, as amended by Ontario Regulations 109/58 and 144/58.
8. The Ontario Vegetable Growers' Marketing-for-Processing Plan, Ontario Regulations 5/58.
9. The Ontario Wheat Producers' Marketing Plan, Ontario Regulations 60/58.



(2) Nothing in subsection 1 limits the powers of the Lieutenant-Governor in Council under section 4a of *The Farm Products Marketing Act*. Powers not limited  
R.S.O. 1950,  
c. 131

**9.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**10.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1959*. Short title



## CHAPTER 36

## An Act to amend The Fatal Accidents Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 3 of *The Fatal Accidents Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 132, s. 3,  
subs. 2,  
re-enacted

- (2) In an action brought under this Act where funeral expenses have been incurred by the parties for whose benefit the action is brought, damages may be awarded not exceeding \$300 for the necessary expenses of the burial of the deceased, except that, where the body of the deceased is transported a considerable distance for burial, further damages may be awarded for the necessary extra expenses of burial thus entailed.

Funeral  
expenses

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Fatal Accidents Amendment Act, 1959*.

Short title



## CHAPTER 37

# An Act to provide for the Implementation of the Recommendations of the Report of the Fauteux Committee

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any other Act but subject to the approval of the Lieutenant-Governor in Council, any member of the Executive Council may enter into such agreements and make such arrangements with the Government of Canada or any minister, representative or agency thereof as may be deemed appropriate for the implementation of the recommendations of the Fauteux Committee set out in its Report to the Minister of Justice and Attorney-General of Canada dated the 30th day of April, 1956.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Fauteux Report Implementation Act, 1959*.





## CHAPTER 38

# **An Act to amend The Forest Fires Prevention Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 15 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 144, s. 15,  
re-enacted

15.—(1) The Minister and any municipality, any licensee under *The Crown Timber Act, 1952* or any owner or tenant of railway lands under *The Railway Fire Charge Act* may enter into an agreement with respect to the prevention and control of forest fires. Agreement authorized for forest fire prevention and control  
1952, c. 15;  
R.S.O. 1950,  
c. 330

(2) So long as such an agreement with a municipality is in effect, any expenses incurred by the Department in carrying out the agreement shall be paid out of the moneys that are appropriated therefor by the Legislature. Effect of agreement, with municipality

(3) So long as such an agreement with a Crown timber licensee or with an owner or tenant of railway lands is in effect, subsection 4 of section 12 does not apply to that licensee, owner or tenant. with Crown timber licensee or owner or tenant of railway lands

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Forest Fires Prevention Amendment Act, 1959*. Short title



## CHAPTER 39

### An Act to amend The Forestry Act, 1952

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Forestry Act, 1952* is amended by adding thereto the following subsection: 1952, c. 32, s. 2, amended

(2) The Minister may make loans without interest out Loans of funds appropriated therefor by the Legislature to any conservation authority established under *The R.S.O. 1950 Conservation Authorities Act* or to any municipality c. 62 for the purpose of assisting it in the acquisition of lands that are suitable for forestry purposes and that are to be reforested and managed under an agreement entered into under subsection 1.

**2.** This Act comes into force on the day it receives Royal Commence-  
 Assent. ment

**3.** This Act may be cited as *The Forestry Amendment Act*, Short title  
 1959.





## CHAPTER 40

## An Act to amend The Game and Fisheries Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Game and Fisheries Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 153, s. 1,  
amended

(uu) "pheasant hunting preserve" means an area in which pheasants propagated under a licence are released for hunting purposes.

2. Section 7a of *The Game and Fisheries Act*, as enacted by section 2 of *The Game and Fisheries Amendment Act, 1956*, is amended by striking out "or trap" in the second line and in the second and third lines, respectively, so that the section shall read as follows: R.S.O. 1950,  
c. 153, s. 7a  
(1956, c. 26,  
s. 2),  
amended

7a. Except under the authority of a licence, no non-resident shall hunt or attempt to hunt animals or birds or carry or use any fire-arm or air-gun in any place frequented by game. Non-residents

3. Subsection 5, as amended by subsection 1 of section 10 of *The Game and Fisheries Amendment Act, 1951*, and subsection 6, as re-enacted by subsection 2 of section 10 of *The Game and Fisheries Amendment Act, 1951*, of section 32 of *The Game and Fisheries Act* are repealed. R.S.O. 1950,  
c. 153, s. 32,  
subs. 5,  
subs. 6  
(1951, c. 29,  
s. 10,  
subs. 2),  
repealed

4. *The Game and Fisheries Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 153,  
amended

43b. No person shall own or operate a pheasant hunting preserve except under the authority of a licence. Pheasant  
hunting  
preserves

5. Clause a of subsection 1 of section 58 of *The Game and Fisheries Act* is amended by striking out "carry" in the first R.S.O. 1950,  
c. 153, s. 58,  
subs. 1, cl. a  
amended

line and inserting in lieu thereof "have", so that the clause shall read as follows:

Fire-arms  
in  
vehicles

- (a) have a loaded air-gun, shot-gun, rifle or other fire-arm in or on or discharge any of them from an aircraft, motor car or other vehicle.

R.S.O. 1950,  
c. 153, s. 58<sup>a</sup>  
(1957, c. 39,  
s. 7),  
amended

**6.** Section 58a of *The Game and Fisheries Act*, as enacted by section 7 of *The Game and Fisheries Amendment Act, 1957*, is amended by striking out "carry" in the third line and inserting in lieu thereof "have", so that the section shall read as follows:

Fire-arms  
in power-  
boats  
R.S.C. 1952,  
c. 179

- 58a. Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made thereunder, no person shall have a loaded air-gun, shot-gun, rifle or other fire-arm in or on or discharge any of them from a power-boat.

R.S.O. 1950,  
c. 153, s. 60,  
subs. 2,  
re-enacted

**7.** Subsection 2 of section 60 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Use of rifle  
to hunt  
pheasant  
prohibited

- (2) No person shall hunt pheasant with a rifle.

R.S.O. 1950,  
c. 153, s. 75,  
subs. 2,  
amended

**8.**—(1) Subsection 2 of section 75 of *The Game and Fisheries Act* is amended by striking out "\$10" in the second line and inserting in lieu thereof "\$15", so that the subsection shall read as follows:

Violation  
of terms  
of licence

- (2) Every person who violates the terms or conditions of his licence shall be liable to a penalty of not less than \$15 and not more than \$300.

R.S.O. 1950,  
c. 153, s. 75,  
subs. 9,  
amended

(2) Subsection 9 of the said section 75 is amended by striking out "\$10" in the third line and inserting in lieu thereof "\$15", so that the subsection shall read as follows:

General  
penalty

- (9) Except as herein otherwise provided, every person who commits an offence against this Act shall be liable to a penalty of not less than \$15 and not more than \$100.

R.S.O. 1950,  
c. 153, s. 77,  
amended

**9.** Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clauses:

- (mm) regulating or prohibiting the use of snares in any part of Ontario;

. . . . .

(ss) limiting the number of licences that may be issued to own or operate pheasant hunting preserves, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of pheasants on preserves, regulating the spacing of preserves, the taking or killing of pheasants on preserves and the use of preserves for hunting, and any regulation made under this clause may be general or particular in its application territorially or otherwise.

**10.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sup>ment</sup>

**11.** This Act may be cited as *The Game and Fisheries* <sup>Short title</sup>*Amendment Act, 1959.*



## CHAPTER 41

## An Act to amend The General Welfare Assistance Act, 1958

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The General Welfare Assistance Act, 1958* is amended by striking out "with the approval of the Minister" in the second line, so that the subsection shall read as follows: 1958, c. 33, s. 5, subs. 1. amended

(1) The council of a city, town, village or township may appoint a municipal welfare administrator. Local municipal administration

2. *The General Welfare Assistance Act, 1958* is amended by adding thereto the following section: 1958, c. 33, amended

9a.—(1) In this section, Interpretation

(a) "band", "council of a band", "Indian", "member of a band" and "reserve" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1952, c. 149

(b) "welfare administrator for a band" means a person appointed as such for the purposes of this Act.

(2) The council of a band that is approved for the purposes of this Act may, with the approval of the Minister, appoint a member of the band as the welfare administrator for the band. Appointment of welfare administrators for Indian bands

(3) The provisions of this Act that apply to a municipal welfare administrator apply *mutatis mutandis* to the welfare administrator for a band. Provisions applicable

(4) The council of a band that is approved for the purposes of this Act shall provide assistance to the members thereof who reside on the reserve of the Duty to provide assistance

band

band and who are eligible for such assistance, and may provide assistance to other persons who reside on the reserve and who are eligible for such assistance if the council of the band approves the provision of assistance to such persons.

Supple-  
mentary  
allowances

- (5) The council of a band that is approved for the purposes of this Act may provide assistance by way of supplementary allowances to or on behalf of recipients of governmental benefits who reside on the reserve of the band.

Regulations

- (6) The Lieutenant-Governor in Council may make regulations,

(a) providing for the recovery by the Province from the council of a band of any amounts of assistance paid by the Province for which the council of the band is liable or for recovery by the council of a band from a recipient of assistance paid by the council of the band, and prescribing the circumstances and manner in which any such recovery may be made;

(b) specifying bands that are approved for the purposes of this Act.

Commence-  
ment

**3.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**4.** This Act may be cited as *The General Welfare Assistance Amendment Act, 1959*.



## CHAPTER 42

**An Act to amend  
The Highway Improvement Act, 1957**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 22 of *The Highway Improvement Act, 1957*, as 1957, c. 43, amended by section 1 of *The Highway Improvement Amend-<sup>s. 22,</sup>ment Act, 1958*, is further amended by adding thereto the following subsection:

- (6a) An agreement under subsection 3 or 4 may provide <sup>Idem,</sup> for the construction and maintenance or for the <sup>additional</sup> construction, as the case may be, of roadways or <sup>roadways</sup> additional widths of roadways necessary to permit <sup>and widths</sup> the proper interchange of traffic at intersections of the highway designated under subsection 1 with any other highway and in that case the agreement may provide that a proportion of the cost of the construction and maintenance or construction, as the case may be, of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town or village, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,
- (a) in the case of a town, not being a separated town, or of a village having a population of not more than 2,500, a sum equal to the cost of construction and maintenance of the work;
- (b) in the case of a town, not being a separated town, or of a village having a population of more than 2,500, a sum equal to 75 per cent of the cost of construction and maintenance of the work; and
- (c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of construction of the work.

1957, c. 43,  
s. 84,  
re-enacted

**2.** Section 84 of *The Highway Improvement Act, 1957* is repealed and the following substituted therefor:

Designation  
of develop-  
ment roads

84.—(1) The Minister may designate as a development road a road or proposed road under the jurisdiction and control of a municipality, other than a city, separated town, town or village, which because of the requirements of traffic he considers should be constructed, improved or maintained to a higher standard than is reasonable having regard to the economic situation of the municipality.

Construction  
and main-  
tenance  
agreements

(2) The Minister and the municipality may enter into an agreement for the construction or maintenance of a development road designated under subsection 1, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost thereof as he deems requisite.

Road  
remains  
under con-  
trol of  
municipality

(3) A development road designated under subsection 1 remains under the jurisdiction and control of the municipality.

1957, c. 43,  
amended

**3.** *The Highway Improvement Act, 1957* is amended by adding thereto the following section:

Approval of  
by-laws by  
Minister

99a. Any by-law which is submitted to the Minister for approval under this Act may be approved in whole, in part or subject to conditions and, where the by-law is approved in part or subject to conditions, the by-law has force and effect only as so approved.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Highway Improvement Amendment Act, 1959*.

## CHAPTER 43

## An Act to amend The Highway Traffic Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 16a of *The Highway Traffic Act*, as enacted by section 2 of *The Highway Traffic Amendment Act, 1955*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 167, s. 16a  
(1955, c. 29,  
s. 2),  
re-enacted

- 16a.—(1) No person shall drive a motor vehicle upon a highway,
- (a) with any sign, poster or other non-transparent material or object placed on the windshield or on any window of such motor vehicle; or
- (b) with any object placed in, hung on or attached to such motor vehicle,

Signs,  
objects,  
etc.,  
obstructing  
view  
prohibited

in such manner as will obstruct the driver's view of the highway or any intersecting highway.

- (2) This section does not prevent the use of signs, markers or equipment required under this Act or the regulations.

Signs, etc.,  
required by  
Act or  
regulations

**2.** Subsection 5 of section 19 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 167, s. 19,  
subs. 5,  
re-enacted

- (5) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than \$5 and not more than \$50; for the second offence to a penalty of not less than \$10 and not more than \$100 and in addition his permit may be suspended for a period not exceeding thirty days; and for any subsequent offence to a penalty of not less than \$20 and not more than \$200 and in addition his permit may be suspended for a period of not more than six months.

R.S.O. 1950,  
c. 167, s. 28,  
amended

3.—(1) Section 28 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

suburban  
districts in  
townships

(1b) The council of a township having a population exceeding 60,000 may pass by-laws designating any part or parts of the township as a suburban district or districts and prescribing a speed limit of 30 miles per hour for motor vehicles driven upon the highways under its jurisdiction within such district or districts subject to any by-law decreasing or increasing the speed limit under subsection 1a, 2 or 2b.

R.S.O. 1950,  
c. 167, s. 28,  
subs. 2b  
(1958, c. 36,  
s. 9, subs. 3),  
re-enacted

(2) Subsection 2b of the said section 28, as re-enacted by subsection 3 of section 9 of *The Highway Traffic Amendment Act, 1958*, is repealed and the following substituted therefor:

increase in  
built-up  
area, etc.

(2b) The council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven upon a highway or portion of a highway under its jurisdiction within a built-up area or urban area than is prescribed in subsection 1 or within a suburban district than is prescribed in such district for motor vehicles driven upon a highway within a built-up area, urban area or suburban district, but such increased rate of speed shall not be more than 50 miles per hour.

R.S.O. 1950,  
c. 167, s. 28,  
subs. 2c  
(1958, c. 36,  
s. 9, subs. 3),  
re-enacted

(3) Subsection 2c of the said section 28, as enacted by subsection 3 of section 9 of *The Highway Traffic Amendment Act, 1958*, is repealed and the following substituted therefor:

approval of  
by-laws

(2c) No by-law passed under subsection 1a, 1b, 2a or 2b shall become effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations.

R.S.O. 1950,  
c. 167, s. 28,  
subs. 3  
(1958, c. 36,  
s. 9, subs. 3),  
re-enacted

(4) Subsection 3 of the said section 28, as re-enacted by subsection 3 of section 9 of *The Highway Traffic Amendment Act, 1958*, is repealed and the following substituted therefor:

fire  
department  
vehicles

(3) The speed limits prescribed under this Act or the regulations or any by-law passed under this Act shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

R.S.O. 1950,  
c. 167, s. 28,  
subs. 3c  
(1956, c. 29,  
s. 5, subs. 3),  
amended

(5) Subsection 3c of the said section 28, as enacted by subsection 3 of section 5 of *The Highway Traffic Amendment*

*Act,*

*Act, 1956*, is amended by inserting after "1a" in the first line "1b", so that the subsection shall read as follows:

- (3c) Where a by-law is passed under subsection 1a, Application of subs. 1  
1b, 2 or 2a or a regulation is made under subsection 3a or 3b, the rates of speed prescribed in subsection 1 shall not apply to the highway or portion of the highway affected by the by-law or regulation.

4. Subsection 3 of section 38 of *The Highway Traffic Act* R.S.O. 1950, c. 167, s. 38, subs. 3, re-enacted is repealed and the following substituted therefor:

- (3) Any person who violates any of the provisions of subsection 1 or 2 shall be liable for the first offence Penalty for illegal loading to a penalty of not less than \$5 and not more than \$50; for the second offence to a penalty of not less than \$10 and not more than \$100; and for any subsequent offence to a penalty of not less than \$20 and not more than \$200, and in addition his licence or permit may be suspended for a period of not more than sixty days.

5. Section 41 of *The Highway Traffic Act* is amended by R.S.O. 1950, c. 167, s. 41, amended adding thereto the following subsection:

- (5c) The Lieutenant-Governor in Council may make Highways outside cities, towns and villages regulations designating a highway or part thereof outside a city, town or village to which the provisions of subsections 5a and 5b shall apply.

6. *The Highway Traffic Act* is amended by adding thereto R.S.O. 1950, c. 167, amended the following section:

46a. On a highway after dusk and before dawn, the driver of a motor vehicle equipped with multiple beam Use of passing beam headlamps shall use the lower or passing beam when,

- (a) approaching an oncoming vehicle within 500 feet; or
- (b) following another vehicle within 200 feet, except when in the act of overtaking and passing.

7. Section 48 of *The Highway Traffic Act*, as amended by R.S.O. 1950, c. 167, s. 48, repealed section 9 of *The Highway Traffic Amendment Act, 1954*, is repealed.

8. Clause b of subsection 1 of section 59 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 59, subs. 1, cl. b re-enacted

- (b) a second conviction under subsection 2 of section 221 of the *Criminal Code* (Canada); or 1953-54, c. 51 (Can.)



R.S.O. 1950,  
c. 167, s. 65,  
subs. 1,  
re-enacted

**9.** Subsection 1 of section 65 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Report on  
conviction  
to Registrar  
1953-54,  
c. 51 (Can.)

- (1) A judge, magistrate or justice of the peace who makes a conviction under this Act or under any other Act of the Legislature or the *Criminal Code* (Canada) involving the use of a motor vehicle or under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking, shall forthwith certify the conviction to the Registrar, setting out the name, address and description of the person convicted, the number of his operator's or chauffeur's licence, the number of the permit of the motor vehicle with which the offence was committed, the time the offence was committed and the provision of the Act or by-law contravened.

R.S.O. 1950,  
c. 167, s. 98,  
amended

**10.** Section 98 of *The Highway Traffic Act*, as amended by subsection 4 of section 20 of *The Highway Traffic Amendment Act, 1953*, subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1957* and section 22 of *The Highway Traffic Amendment Act, 1958*, is further amended by adding thereto the following subsection:

Direction of  
Minister  
for payment  
of solicitor's  
fee

- (9) If the Minister is satisfied that it is not feasible to issue and file execution as required under subsection 8, he may waive such requirements and in such case the solicitor shall be entitled to the fee under subsection 8.

R.S.O. 1950,  
c. 167, s. 102,  
subs. 2,  
re-enacted

**11.** Subsection 2 of section 102 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Order for  
action  
against  
Registrar

- (2) No such order permitting the applicant to bring an action against the Registrar shall be made unless the judge is satisfied,
- (a) that the applicant would have a cause of action against the owner or driver of the motor vehicle in respect of the death or personal injury occasioned by the motor vehicle;
  - (b) that all reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and driver thereof;
  - (c) that the identity of the motor vehicle and the owner and driver thereof cannot be established; and

(d)



- (d) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be recovered in the intended action is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by it by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*, <sup>R.S.O. 1950, c. 183</sup>

provided that the order of such judge shall not be binding upon the trial judge with respect to the matters enumerated in clauses *a*, *b*, *c* and *d* or preclude him from making a finding inconsistent therewith.

**12.** Section 11 comes into force on the day this Act receives <sup>Commence-</sup>  
Royal Assent. <sup>ment</sup>

**13.** This Act may be cited as *The Highway Traffic Amendment Act, 1959*. <sup>Short title</sup>



CHAPTER 44

An Act to amend The Insurance Act

Assented to March 26th, 1959  
Session Prorogued March 26th, 1959

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 100 of *The Insurance Act* is repealed.

R.S.O. 1950,  
c. 183,  
s. 100,  
repealed
2. Subsection 1 of section 104 of *The Insurance Act*, as re-enacted by section 8 of *The Insurance Amendment Act, 1956*, is amended by striking out “or” at the end of clause *b*, by adding “or” at the end of clause *c* and by adding thereto the following clause:

R.S.O. 1950,  
c. 183,  
s. 104  
(1956, c. 32,  
s. 8), subs. 1,  
amended

(d) where the subject-matter of the insurance is property that is insured by an insurer or group of insurers primarily as a nuclear risk under a policy covering against loss of or damage to the property resulting from nuclear reaction or nuclear radiation and from other perils.

3. Subsection 2 of section 105 of *The Insurance Act*, as re-enacted by subsection 2 of section 1 of *The Insurance Amendment Act, 1958*, is repealed.

R.S.O. 1950,  
c. 183,  
s. 105,  
subs. 2  
(1958, c. 42,  
s. 1, subs. 2),  
repealed
4. Section 109 of *The Insurance Act*, as re-enacted by section 12 of *The Insurance Amendment Act, 1956*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 183, s. 109  
(1956, c. 32,  
s. 12),  
re-enacted

109. A contract containing,

Limitation  
of liability  
clause
- (a) a deductible clause; or
- (b) a co-insurance, average or similar clause; or
- (c) a clause limiting recovery by the insured to a specified percentage of the value of any property insured at the time of loss, whether or not that clause is conditional or unconditional,

shall

shall have printed or stamped upon its face in red ink the words "This policy contains a clause which may limit the amount payable", and unless those words are so printed or stamped the clause shall not be binding upon the insured.

R.S.O. 1950, c. 183, s. 110 (1956, c. 32, s. 13), amended **5.** Section 110 of *The Insurance Act*, as re-enacted by section 13 of *The Insurance Amendment Act, 1956*, is amended by adding thereto the following subsection:

Idem

(4a) Nothing in subsection 4 shall be construed to have the effect of increasing the pro rata contribution of an insurer under a contract that is not subject to a deductible clause.

R.S.O. 1950, c. 183, s. 126, subs. 1, amended **6.**—(1) Subsection 1 of section 126 of *The Insurance Act*, as amended by section 3 of *The Insurance Amendment Act, 1958*, is further amended by adding at the commencement thereof "Subject to subsection 3a".

R.S.O. 1950, c. 183, s. 126, amended (2) The said section 126 is amended by adding thereto the following subsection:

Exception to subs. 1

(3a) An insurer may undertake risks on the premium note plan in excess of the amounts authorized by subsection 1 where it has entered into a general reinsurance agreement with other insurers of the same class, approved by the Superintendent, whereby each insurer party to the agreement is provided with reinsurance on a plan covering in whole or in part the amount of losses in excess of its normal loss ratio as determined under the provisions of the plan.

R.S.O. 1950, c. 183, s. 269, subs. 1, cl. c., re-enacted **7.** Clause c of subsection 1 of section 269 of *The Insurance Act* is repealed and the following substituted therefor:

(c) if it contracts for sick benefits for an amount in excess of \$30 per week or for a funeral benefit in excess of \$300.

Commencement

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Insurance Amendment Act, 1959*.

## CHAPTER 45

**An Act to amend  
The Investment Contracts Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 4 of *The Investment Contracts Act* is <sup>R.S.O. 1950,</sup> amended by striking out "is unimpaired" in the second and <sup>c. 187, s. 4,</sup> third lines and inserting in lieu thereof "the aggregate of its <sup>cl. b,</sup> <sup>amended</sup> unimpaired paid-in capital and its surplus amounts to at least \$200,000", so that the clause shall read as follows:

(*b*) at least \$100,000 of its authorized capital stock has been subscribed and paid in, in cash, and the aggregate of its unimpaired paid-in capital and its surplus amounts to at least \$200,000.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Investment Contracts* <sup>Short title</sup> *Amendment Act, 1959.*





## CHAPTER 46

**An Act to amend The Jails Act**

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Jails Act* is amended by adding thereto the following section: R.S.O. 1950  
c. 188,  
amended

10. The jailer shall furnish to the sheriff at the opening of every assize court a calendar in the form prescribed by the Minister of the prisoners then in his custody and shall have ready for delivery to the sheriff such of the prisoners in his custody as may be required at the assize court, the court of general sessions of the peace or the county or district court judges' criminal court. Duties of  
jailer  
re assize

**2.** This Act may be cited as *The Jails Amendment Act, 1959*. Short title



## CHAPTER 47

## An Act to amend The Judicature Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 33 of *The Judicature Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 190, s. 33, amended

(5) Where in an action or proceeding to which this section applies the Attorney-General for Canada or the Attorney-General for Ontario appears in person or by counsel, each shall be deemed to be a party to the action or proceeding for the purpose of an appeal from any adjudication as to the constitutional validity of any Act or enactment in question in the action or proceeding and each has the same rights with respect to an appeal as any other party to the action or proceeding. Right of Attorneys-General to appeal

**2.** Subsection 3 of section 98 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 190, s. 98, subs. 3, re-enacted

(3) There shall be at least four special examiners in Toronto. Number in Toronto

**3.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Section 1 shall be deemed to have come into force on the 1st day of October, 1958. Idem

**4.** This Act may be cited as *The Judicature Amendment Act, 1959*. Short title



## CHAPTER 48

## An Act to amend The Jurors Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 90 of *The Jurors Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 191, s. 90,  
re-enacted

- 90.—(1) Every grand juror attending a sittings of the Supreme Court or of the court of general sessions of the peace and every petit juror attending a sittings of the Supreme Court or of the court of general sessions of the peace or of the county court is entitled to receive \$10 a day for every day on which he was necessarily absent from his place of residence for the purpose of attending the sittings. Jurors' fees
- (2) Where a juror travels by his own automobile, he is entitled to receive, as a travelling allowance, 10 cents a mile each way for each mile necessarily travelled between his place of residence and the place where the sittings are held, except that, where the sittings are held in a city in which the juror resides, he is entitled to a travelling allowance of 75 cents, and the distance travelled shall be ascertained by the declaration of the sheriff. Jurors' travelling allowance
- (3) Where a juror travels by a means of transportation other than his own automobile, he is entitled to receive, as a travelling allowance, a sum equal to the amount of the fare actually paid for the transportation from his place of residence to the place where the sittings are held and return. Idem
- (4) Where a juror is required to attend the sittings more than one day and returns to his place of residence at night, he is entitled to the travelling allowance mentioned in subsection 2 or 3, as the case may be, in respect of each day's attendance. Allowance for each day's attendance

Over-night  
allowance

- (5) Where a juror resides elsewhere and in the opinion of the sheriff it is desirable that he remain at the place of sittings over-night, he is entitled to receive a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

Commence-  
ment

- 2.** This Act comes into force on the 1st day of September, 1959.

Short title

- 3.** This Act may be cited as *The Jurors Amendment Act, 1959*.



## CHAPTER 49

## The Juvenile and Family Courts Act, 1959

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Lieutenant-Governor in Council may establish a juvenile and family court in and for, Establishment of courts

- (a) a county;
- (b) two or more counties;
- (c) a local municipality separated from the county for municipal purposes;
- (d) two or more local municipalities separated from the county for municipal purposes;
- (e) a combination of clause *a* and clause *c* or *d*;
- (f) a combination of clause *b* and clause *c* or *d*;
- (g) one or more provisional judicial districts or part or parts thereof. 1954, c. 41, s. 2 (1).

**2.** A juvenile and family court is a court of record and shall be known as "The Juvenile and Family Court of ..... " as the Lieutenant-Governor in Council may designate. 1954, c. 41, s. 3. Court of record, name

**3.** A juvenile and family court, Jurisdiction

- (a) is a juvenile court for the purpose of dealing with juvenile delinquents so soon as the *Juvenile Delinquents Act* (Canada) is proclaimed in force in the area for which it was established and it has all the powers vested in a juvenile court under that Act; R.S.C. 1952, c. 160
- (b) has power to try any child charged with an offence against the laws of Ontario; and

(c)

- (c) has power to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court or a judge thereof or upon a juvenile and family court or a judge thereof. 1954, c. 41, s. 4.

Appoint-  
ment  
of judge

4.—(1) The Lieutenant-Governor in Council may appoint the judge of a juvenile and family court who shall hold office during good behaviour.

Appoint-  
ment of  
deputy  
judges

(2) The Lieutenant-Governor in Council may appoint one or more deputy judges of a juvenile and family court, each of whom shall act as judge of the court. 1954, c. 41, s. 5 (1, 2).

Salaries

(3) The Lieutenant-Governor in Council shall fix the salaries of the judges and deputy judges of juvenile and family courts. 1954, c. 41, s. 10 (2), *part, amended*.

Retirement  
age  
R.S.O. 1950,  
c. 317

(4) The provisions of *The Public Service Act* as to age of retirement of civil servants apply *mutatis mutandis* to judges and deputy judges of juvenile and family courts. 1954, c. 41, s. 5 (4).

Acting  
judge

(5) On evidence satisfactory to the Attorney-General of the absence or illness of a judge or deputy judge or where the office of judge or deputy judge is vacant, the Attorney-General may appoint any person to act *pro tempore* as judge and fix his remuneration. 1954, c. 41, s. 5 (3); 1955, c. 38, s. 1, *amended*.

Detention  
and observa-  
tion home

5.—(1) A detention and observation home may be established, maintained and operated as a part of a juvenile and family court.

Superin-  
tendent

(2) Where a detention and observation home is established, the Attorney-General may appoint a superintendent and an assistant superintendent of the home and fix their salaries.

Status

(3) The superintendent and assistant superintendent of a detention and observation home shall be deemed to be officers of the court of which the home is a part. *New*.

Detention  
homes

R.S.C. 1952,  
c. 160

6.—(1) The Attorney-General may declare any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada).

Duty to  
provide  
detention  
home

(2) Every municipality for which a juvenile and family court is established and in which there is no detention home, or in which there is no detention home of sufficient capacity, shall provide a detention home satisfactory to the Attorney-General. 1954, c. 41, s. 9 (2, 3).

(3) The municipality for which a juvenile and family court is established is liable for the maintenance in a detention home of a child charged with committing an offence in that municipality. 1954, c. 41, s. 9 (5). Maintenance of child in detention home

**7.**—(1) A diagnostic clinic may be established, maintained and operated as part of the juvenile and family court of any municipality that has a population of not less than 500,000. Diagnostic clinic

(2) Where a diagnostic clinic is established, the Attorney-General may appoint such professional persons for the purposes of the clinic as he deems appropriate and fix their salaries. Professional persons

(3) The persons appointed under subsection 2 shall be deemed to be officers of the court of which the clinic forms a part. *New.* Status

**8.** The Attorney-General may appoint an executive officer for the juvenile and family court of any municipality having a population of not less than 500,000 and fix his salary. *New.* Executive officer

**9.** The Attorney-General shall appoint a clerk for a juvenile and family court and fix his salary. 1954, c. 41, s. 6 (1), *part, amended.* Clerk

**10.**—(1) The Attorney-General may appoint a chief probation officer, one or more supervisory probation officers and one or more probation officers for a juvenile and family court and fix their salaries. 1954, c. 41, s. 7 (1), *amended.* Appointment of probation officers

(2) Every probation officer while acting in the discharge of his duties has all the powers of a police constable. 1954, c. 41, s. 7 (2), *amended.* Powers

**11.** The Attorney-General may appoint one or more court reporters for a juvenile and family court and fix their salaries. *New.* Court reporters

**12.** The Attorney-General may appoint stenographers, typists, clerks and other persons to the staff of a juvenile and family court and fix their salaries. 1954, c. 41, s. 6 (1), *part, amended.* Staff

**13.** All officers and members of the staff of a juvenile and family court, except the judge and deputy judges, shall be deemed to be employees of the municipality that pays their salaries for the purposes of pensions, sick leave credits, holidays with pay, and the Ontario plan of hospital care insurance. 1955, c. 38, s. 2, *amended.* Status of officers and staff

Control of  
officers  
and staff

**14.** The officers and members of the staff of a juvenile and family court shall act in accordance with the directions of the judge of the court. 1954, c. 41, s. 8, *amended*.

Accommoda-  
tion and  
expenses

**15.**—(1) The municipality in and for which a juvenile and family court is established shall provide a suitable room for hearing cases and offices, furniture, equipment and supplies for the judge, deputy judges and all other officers and the members of the staff and shall make provision for and pay the expenses of the court including the salaries of the judge, deputy judges and all other officers and the members of the staff.

Payment of  
salaries of  
full-time  
judges

(2) The salary of every full-time judge and every full-time deputy judge shall be paid out of the moneys that are voted therefor by the Legislature and an amount equal to the salary and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this subsection, be responsible for the payment of such salaries. 1954, c. 41, s. 10 (1-3), *amended*.

Apportion-  
ment of  
cost of  
court

**16.**—(1) Where a juvenile and family court is established in and for two or more municipalities, the municipalities served by the court shall pay such proportion of the cost of the court as may be agreed upon, or, failing agreement, as may be determined by arbitration.

Arbitra-  
tion

(2) For the purposes of an arbitration under subsection 1, a judge of a county court of a county other than a county concerned in the proceedings shall be sole arbitrator and the provisions of *The Municipal Arbitrations Act* as to procedure and appeals apply to every such arbitration and to the award. 1954, c. 41, s. 10 (4, 5).

R.S.O. 1950,  
c. 244

Apportion-  
ment of  
cost in  
districts

**17.** Where a juvenile and family court is established in and for a provisional judicial district or part thereof and it serves a municipality in such district or part, the Lieutenant-Governor in Council may fix the amount to be paid by such municipality towards the cost of the court and prescribe the times and manner of making the payments. 1954, c. 41, s. 11.

Provincial  
aid

**18.** The Lieutenant-Governor in Council may direct payment out of the moneys that are voted for the purpose by the Legislature to any municipality of such portion of the cost to it of a juvenile and family court as he may determine. 1954, c. 41, s. 12, *amended*.



**19.**—(1) Any person entitled to alimony or maintenance under a judgment or order of the Supreme Court may file a copy of the judgment or order in the juvenile and family court having jurisdiction where the person ordered to pay the alimony or maintenance resides, and when so filed it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*. Supreme Court alimony and maintenance orders R.S.O. 1950, c. 102

(2) A person entitled to maintenance under a judgment or order of the Supreme Court within the meaning of subsection 1 includes a child entitled to maintenance under any such judgment or order. 1954, c. 41, s. 13. Interpretation

**20.** The Lieutenant-Governor in Council may make regulations, Regulations

(a) prescribing the functions of and providing for the management of detention and observation homes, detention homes, and diagnostic clinics under this Act;

(b) prescribing the duties of the officers and the members of the staffs of juvenile and family courts or of any class of such officers or members;

(c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

**21.** In every Act, "juvenile court" means juvenile and family court and "judge of a juvenile court" or "juvenile court judge" means judge of a juvenile and family court. 1954, c. 41, s. 1. Interpretation

**22.** Notwithstanding anything in section 4, the Lieutenant-Governor in Council may appoint two judges and one or more deputy judges for The Juvenile and Family Court of The Municipality of Metropolitan Toronto. 1954, c. 41, s. 15 (1), *amended*. Metropolitan Toronto

**23.**—(1) Every juvenile and family court heretofore established and every judge and deputy judge heretofore appointed to any such court shall be deemed to have been established or appointed, as the case may be, under this Act. 1954, c. 41, s. 14, *amended*. Existing courts and judges

(2) Every order heretofore made establishing a juvenile court or a juvenile and family court shall be deemed not to be a regulation within the meaning of *The Regulations Act*. Past orders not regulations R.S.O. 1950, c. 337

Past  
appoint-  
ments

(3) All officers and all members of the staff of a juvenile and family court heretofore appointed, except the judge and deputy judges, shall be deemed to have been employees of the municipality that pays their salaries from the time of their respective appointments for the purposes of pensions, sick leave credits, holidays with pay, and the Ontario plan of hospital care insurance. *New.*

1954, c. 41;  
1955, c. 38,  
repealed

**24.** *The Juvenile and Family Courts Act, 1954* and *The Juvenile and Family Courts Amendment Act, 1955* are repealed.

Commence-  
ment

**25.** This Act comes into force on the day it receives Royal Assent.

Short title

**26.** This Act may be cited as *The Juvenile and Family Courts Act, 1959*.



## CHAPTER 50

## An Act to amend The Labour Relations Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 66 of *The Labour Relations Act*, as amended by R.S.O. 1950, c. 194, s. 66, re-enacted section 9 of *The Labour Relations Amendment Act, 1957* and section 6 of *The Labour Relations Amendment Act, 1958*, is repealed and the following substituted therefor:

- 66.—(1) The Ontario Labour Relations Board is con-Board, continuedtinued.
- (2) The Board shall be composed of a chairman, a vice-composition chairman, one or more deputy vice-chairmen as the Lieutenant-Governor in Council may deem proper, two other members representative of employers and two other members representative of employees, all of whom shall be appointed by the Lieutenant-Governor in Council.
- (3) Notwithstanding subsection 2, the Lieutenant-additional membersGovernor in Council may appoint as members of the Board such additional members representative of employers and employees respectively as he may deem proper, but a member appointed under this subsection shall act as a member of the Board only on the request of the chairman or vice-chairman and where such a member so acts it shall be presumed conclusively that he is acting on the request of the chairman or vice-chairman, as the case may be.
- (4) Vacancies in the membership of the Board from any vacancies cause may be filled by the Lieutenant-Governor in Council.
- (5) Each member of the Board shall, before entering oath of office upon his duties, take and subscribe before the Clerk

of the Executive Council and file in his office an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or* chairman, *or* vice-chairman, *or* deputy vice-chairman) of the Ontario Labour Relations Board and I will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the Board. So help me God.

quorum

- (6) The chairman or the vice-chairman or a deputy vice-chairman, one member representative of employers and one member representative of employees constitute a quorum and are sufficient for the exercise of all of the jurisdiction and powers of the Board.

divisions

- (7) The Board may sit in two or more divisions simultaneously so long as a quorum of the Board is present in each division.

decisions

- (8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, and, in the event of a tie vote, the presiding member has a casting vote.

procedure

- (9) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Board may, subject to the approval of the Lieutenant-Governor in Council, make rules governing its practice and procedure and prescribing such forms as may be deemed advisable.

registrar,  
etc.

- (10) The Lieutenant-Governor in Council may appoint a registrar, such other officers and such clerks and servants as may be required for the purposes of the Board and they shall exercise such powers and perform such duties as may be conferred or imposed upon them by the Board.

remunera-  
tion

- (11) The members, the other officers and the clerks and servants of the Board shall be paid such remuneration as the Lieutenant-Governor in Council may fix.

seal

- (12) The Board shall have an official seal.

office,  
sittings

- (13) The office of the Board shall be in Toronto but the Board may sit at such other places as it deems expedient.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Labour Relations Amend-* <sup>Short title</sup>  
*ment Act, 1959.*



## CHAPTER 51

**An Act to amend  
The Legislative Assembly Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 60a of *The Legislative Assembly Act*, as enacted R.S.O. 1950, c. 202, s. 60a, by section 2 of *The Legislative Assembly Amendment Act, 1956*, (1956, c. 39, s. 2), amended is amended by adding thereto the following subsection:

(2) In addition to his indemnity and allowance for Idem expenses as a member, there shall be paid to every minister of the Crown without portfolio, other than the minister without portfolio who is a member of The Hydro-Electric Power Commission of Ontario, an allowance for the expenses of representation at the rate of \$900 per annum.

**2.** This Act comes into force on the 1st day of April, 1959. Commence-  
ment

**3.** This Act may be cited as *The Legislative Assembly Amendment Act, 1959*. Short title





## CHAPTER 52

## An Act to amend The Lightning Rods Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Lightning Rods Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 206,  
amended

- 5a.—(1) Where the Fire Marshal refuses to issue a licence under this Act or where the Fire Marshal suspends or revokes a licence issued under this Act, the Fire Marshal shall send notice of the refusal, suspension or revocation to the applicant or licensee, as the case may be, by registered mail addressed to him at his address as shown in the records of the Fire Marshal's office. Notice of  
revocation,  
etc.,  
of licence
- (2) If the applicant or licensee, as the case may be, is dissatisfied with the decision of the Fire Marshal, he may, within ten days after receipt of the notice of the decision, apply to the judge of the county or district court of the county or district in which he resides for an order reversing the decision of the Fire Marshal. Appeal
- (3) On an application under subsection 2, the judge shall hold a hearing upon such notice as he deems proper and, after hearing the applicant, the Fire Marshal and any other evidence either of them may produce, he may, Hearing
- (a) where the Fire Marshal refused to issue a licence, dismiss the application if he is not satisfied that the applicant is entitled to public confidence or order the Fire Marshal to issue the licence if he is satisfied that the applicant is entitled to public confidence; or

(b)

- (b) where the Fire Marshal suspended or revoked a licence, dismiss the application if he is not satisfied that the applicant has complied with the Act and the regulations or order the Fire Marshal to reinstate the licence if he is satisfied that the applicant has complied with the Act and the regulations.

Short title

**2.** This Act may be cited as *The Lightning Rods Amendment Act, 1959*.

## CHAPTER 53

**An Act respecting the Operation  
of Community Sales of Live Stock**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,****Interpre-  
tation**

- (a) "Commissioner" means Live Stock Commissioner;
- (b) "community sale" means a sale or offering for sale of live stock by public auction held at an established place of business where live stock is assembled for the purpose;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "licence" means licence under this Act;
- (e) "live stock" means cattle, horses, sheep and swine, and the young thereof;
- (f) "operator" means a person engaged in the business of operating community sales;
- (g) "premises" means the land, buildings and structures at the place of business of an operator;
- (h) "regulations" means regulations made under this Act;
- (i) "veterinarian" means a veterinarian appointed under this Act.

**2. This Act does not apply to,****Where Act  
does not  
apply**

- (a) a sale at a stock yard operated by the Ontario Stock Yards Board;
- (b) a sale of live stock by a local board or marketing agency under *The Farm Products Marketing Act*;

**R.S.O. 1950,  
c. 131**

(c)

- (c) a sale held for the purpose of selling pure bred live stock; or
- (d) a sale held for the purpose of selling feeder cattle.

**Licence**

**3.** No person shall engage in the business of operating community sales without a licence therefor from the Commissioner.

**Conditions of licence**

**4.** Every licence is subject to the conditions that the operator,

- (a) maintains the security required by the regulations;
- (b) is in possession of premises that have at least one building for the stabling of the live stock that is assembled for the purpose of sale; and
- (c) complies with this Act and the regulations and any other condition that is imposed by the regulations.

**Requirements for premises**

**5.** No operator shall hold a community sale unless,

- (a) every building in which live stock is kept is subdivided into areas so that each class of live stock may be kept separately and so that the live stock that is designated for sale for purposes other than slaughter may be kept separate from the live stock that is designated for sale for slaughter;
- (b) facilities for watering live stock are provided in each separate area in which live stock is kept;
- (c) every floor of every building used for keeping live stock and every passageway over which live stock passes has a reasonably smooth and impermeable surface;
- (d) every wall, partition, barrier, fence, manger, trough and other structure or part thereof with which live stock may come into contact is free from sharp projections and obstructions that may injure live stock;
- (e) a room is provided in a convenient location for the use of a veterinarian as an office and as a laboratory equipped with such facilities as may be required by him in the course of his duties under this Act and the regulations; and
- (f) a set of scales with a weighing capacity of at least 3,000 pounds is installed and maintained in good operating condition.

**6.** No operator shall assemble live stock for a community sale in greater numbers than may be kept, fed, watered and otherwise cared for on the premises without overcrowding or risk of injury. Number of live stock on premises

**7.** The Lieutenant-Governor in Council may appoint such veterinarians as may be required for the purposes of this Act. Appointment of veterinarians

**8.** A community sale shall not be held until a veterinarian, Conditions precedent to sale

- (a) has inspected the premises at which the sale is to be held;
- (b) has examined or inspected all live stock that is to be offered for sale; and
- (c) has carried out such other duties as are prescribed by the regulations.

**9.** Every operator shall, at least twelve hours before any live stock is received on his premises for the purpose of a community sale, clean and disinfect the premises in such manner as the regulations prescribe. Cleaning of premises before sale

**10.** Every operator shall keep for at least twelve months after each community sale a record of the sale showing, Records

- (a) the names and addresses of the sellers and buyers of the live stock;
- (b) the dates of arrival at and departure from his premises of the live stock;
- (c) an identification or description of the live stock;
- (d) the sale price of the live stock; and
- (e) where the live stock is sold by weight, the weight thereof.

**11.—(1)** The Commissioner or an inspector or a veterinarian may enter any premises for the purpose of enforcing this Act. Powers of entry

**(2)** No person shall obstruct the Commissioner or an inspector or a veterinarian in the performance of his duties or refuse to permit the inspection of any live stock or furnish him with false information. Obstruction

Production  
of records

(3) Every person shall, when required by the Commissioner or an inspector, produce any books, records or other documents relating to any live stock assembled or sold at a community sale.

## Penalties

**12.** Every person who fails to comply with or contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a second or subsequent offence to a fine of not more than \$500.

## Regulations

**13.** The Lieutenant-Governor in Council may make regulations,

- (a) establishing classes of community sales and limiting the application of any regulation to any such class;
- (b) providing for the issue, renewal, refusal to grant or renew, suspension and revocation of licences;
- (c) providing for a person whose licence is refused, suspended, revoked or not renewed to show cause why the licence should not be refused, suspended, revoked or should be renewed, as the case may be;
- (d) prescribing additional conditions to those mentioned in section 4;
- (e) prescribing the fee payable for a licence and for the renewal thereof;
- (f) requiring the bonding of operators and prescribing the amount and form of such bonds, the classes of securities that are acceptable as collateral security, the period that bonds shall subsist, the condition upon which bonds may be forfeited, and respecting all matters subsequent to forfeiture;
- (g) prescribing the duties of veterinarians and inspectors;
- (h) respecting the times of delivery of live stock to premises and the hours for holding community sales;
- (i) respecting the conditions under which live stock shall be assembled or offered for sale at community sales;
- (j) prescribing the manner in which premises shall be cleaned and disinfected;

(k)



- (k) designating diseases and providing for the disposal of live stock found infected with any such disease;
- (l) prescribing forms for use under this Act;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**14.**—(1) Licences issued under *The Health of Live Stock Act, 1952* that are subsisting when this Act comes into force shall be deemed to have been issued under this Act and shall continue to subsist, subject to this Act, as though *The Health of Live Stock Act, 1952* had not been repealed. Transitional provision  
1952, c. 35

(2) In 1959, the licence fee provided in the regulations shall be reduced in proportion to the part of the year remaining when this Act comes into force and a similar reduction shall be made in respect of the licence fee paid for 1959 under *The Health of Live Stock Act, 1952*. Idem

**15.** *The Health of Live Stock Act, 1952* is repealed.

1952, c. 35,  
repealed

**16.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-  
ment

**17.** This Act may be cited as *The Live Stock Community Sales Act, 1959*. Short title



## CHAPTER 54

# An Act to amend The Loan and Trust Corporations Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 11 of section 66 of *The Loan and Trust Corporations Act* is amended by inserting after "December" in the second line "or any day not more than two months prior thereto", so that the clause shall read as follows:

R.S.O. 1950,  
c. 214, s. 66,  
subs. 11,  
cl. a,  
amended

- (a) that they have examined the books for the year ending 31st day of December or any day not more than two months prior thereto and have verified the cash, bank balances and securities of the corporation and stating whether or not their requirements as auditors have been complied with.

**2.** Subsection 4 of section 70 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 70,  
subs. 4,  
re-enacted

- (4) The amount to be received by any corporation entitled to receive deposits shall not at any time exceed an amount equal to the aggregate of the amount of its cash on hand or deposited in chartered banks in Canada and of twice the combined amounts of its then unimpaired paid-in capital and reserve, but, subject to the limitation set out in subsection 2 of section 73, the Lieutenant-Governor in Council may, upon such terms and conditions as may be prescribed, increase the amount of deposits that may be received by any such corporation.

Limit of  
deposits

**3.** Subsection 2 of section 73 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 73,  
subs. 2,  
re-enacted

- (2) The total amount borrowed by a corporation on debentures and other securities and by way of deposits

Limit of  
borrowing

deposits shall not exceed an amount equal to the aggregate of its cash on hand or deposited in chartered banks in Canada and of four times the combined amounts of its then unimpaired paid-in capital and reserve, but the Lieutenant-Governor in Council may on the report of the Registrar and upon such terms and conditions as may be prescribed, increase the amount that may be borrowed to a sum not exceeding an amount equal to the aggregate of such cash and of twelve and one-half times the combined amounts of such capital and reserve.

R.S.O. 1950,  
c. 214, s. 86,  
re-enacted

4. Section 86 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Extension of  
business  
beyond  
Ontario

86. Every provincial corporation, unless it is otherwise expressly provided in the Act or instrument creating it, may exercise its powers beyond Ontario to the extent to which the laws in force where the powers are sought to be exercised permit and may accept extra-provincial powers and rights.

R.S.O. 1950,  
c. 214, s. 133,  
subs. 1, cl. a,  
re-enacted

5.—(1) Clause *a* of subsection 1 of section 133 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

real estate  
and life  
insurance

(a) mortgages, charges or hypothecs upon improved real estate in Ontario or elsewhere where the corporation is carrying on business, or mortgages or assignments of such life insurance policies as have at the date of the purchase or investment an ascertained cash surrender value admitted by the insurer.

R.S.O. 1950,  
c. 214, s. 133,  
subs. 1, cl. d,  
re-enacted

(2) Clause *d* of subsection 1 of the said section 133 is repealed and the following substituted therefor:

Dominion  
subsidy  
bonds

(d) the bonds or debentures of a company or institution incorporated in Canada that are secured by the assignment to a trust company in Canada of payments that the Government of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity.

R.S.O. 1950,  
c. 214, s. 133,  
subs. 1, cl. e,  
re-enacted

(3) Clause *e* of subsection 1 of the said section 133 is repealed and the following substituted therefor:

provincial  
subsidy  
bonds

(e) the bonds or debentures of a company or institution incorporated in Canada that are secured by the

assignment

assignment to a trust company in Canada of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity.

(4) Clause *g* of subsection 1 of the said section 133 is repealed and the following substituted therefor: R.S.O. 1950, c. 214, s. 133, subs. 1, cl. *g*, re-enacted

- (*g*) the bonds, debentures or other evidences of indebtedness of any company or bank that has paid regular dividends on its preferred or on its common stocks for not less than five years immediately preceding the date of the purchase or investment, or the bonds, debentures or other evidences of indebtedness of any company or bank that are guaranteed by a company or bank that has paid regular dividends on its preferred or on its common stocks for not less than five years immediately preceding the date of the purchase or investment, provided that at the date of the purchase or investment the amount of bonds, debentures and other evidences of indebtedness so guaranteed is not in excess of 50 per cent of the amount at which such preferred or common stocks, as the case may be, are carried in the capital stock account of the guaranteeing company or bank. debentures

(5) Clause *h* of subsection 1 of the said section 133, as amended by subsection 2 of section 2 of *The Loan and Trust Corporations Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 214, s. 133, subs. 1, cl. *h*, re-enacted

- (*h*) the preferred stocks of any company or bank that has paid regular dividends upon such stocks or upon its common stocks for not less than five years immediately preceding the purchase of the preferred stocks. preferred stock

(6) Clause *i* of subsection 1 of the said section 133, as amended by subsection 2 of section 2 of *The Loan and Trust Corporations Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 214, s. 133, subs. 1, cl. *i*, re-enacted

- (*i*) the fully-paid common stocks of any company or bank which, in each year of a period of seven years ended less than one year before the date of purchase or investment, has paid a dividend upon its common stocks of at least 4 per cent of the average value at common stock

which



which the stocks were carried in the capital stock account of the company or bank during the year in which the dividend was paid; or

R.S.O. 1950,  
c. 214,  
amended

**6.** *The Loan and Trust Corporations Act* is amended by adding thereto the following section:

"Basket"  
clause

133a.—(1) Subject to subsection 2, a registered loan corporation or a registered loaning land corporation may make investments and loans not authorized by section 133 so long as the total book value of the investments and loans so made and held by the corporation, excluding those that are or at any time since acquisition have been eligible apart from this section, do not exceed 15 per cent of the corporation's unimpaired paid-in capital and reserve.

Idem

(2) This section does not enlarge the authority conferred by this Act to invest in or lend on the security of real estate, mortgages, charges or hypothecs.

R.S.O. 1950,  
c. 214,  
amended

**7.** *The Loan and Trust Corporations Act* is amended by adding thereto the following section:

"Basket"  
clause

134a.—(1) Subject to subsection 2, a registered trust company may, with respect to its funds and with respect to moneys received for guaranteed investment or as deposits under section 78 or 80, make investments and loans not authorized by section 134, so long as the total book value of the investments and loans so made and held by the company, excluding those that are or at any time since acquisition have been eligible apart from this section, do not exceed 15 per cent of the company's unimpaired paid-in capital and reserve.

Idem

(2) This section does not enlarge the authority conferred by this Act to invest in or lend on the security of real estate, mortgages, charges or hypothecs, and does not affect the operation of the proviso in subsection 1 of section 134.

R.S.O. 1950,  
c. 214, s. 136,  
subs. 1, cl. b,  
amended

**8.** Clause *b* of subsection 1 of section 136 of *The Loan and Trust Corporations Act* is amended by striking out "15" in the second and third lines respectively and inserting in lieu thereof "20", so that the clause shall read as follows:

(b) make any investment the effect of which will be that the corporation will hold more than 20 per cent of the stock or more than 20 per cent of the debentures of any one corporation, company or bank.



**9.** Subsection 1 of section 146 of *The Loan and Trust Corporations Act* is amended by adding at the end thereof "or to any day not more than two months prior thereto", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 214, s. 146,  
subs. 1.  
amended

- (1) The managing director, manager or secretary of every registered corporation shall prepare annually on the 1st day of January, or within two months thereafter, according to a printed form to be supplied on application to the Registrar, a statement of the financial condition and affairs of the corporation up to the 31st day of December next preceding or to any day not more than two months prior thereto.

Annual  
statement  
to the  
Registrar

**10.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**11.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1959*.

Short title



CHAPTER 55

An Act to amend  
The Local Improvement Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *n* of subsection 1 of section 2 of *The Local Improvement Act* is amended by striking out “in the case of cities and towns only” in the first line, so that the clause shall read as follows: R.S.O. 1950,  
c. 215, s. 2,  
subs. 1, cl. 'n',  
amended

- (*n*) constructing and erecting on petition only, on any street or part of a street, equipment, plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment, plant and works which would otherwise be provided at the expense of the corporation at large.

(2) Clause *o* of subsection 1 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1950,  
c. 215, s. 2,  
subs. 1, cl. *o*,  
re-enacted

- (*o*) constructing a roadway or subway under a railway or other roadway.

2. Clause *c* of subsection 4 of section 12 of *The Local Improvement Act* is amended by striking out “at a post office” in the first line, so that the clause shall read as follows: R.S.O. 1950,  
c. 215, s. 12,  
subs. 4, cl. *c*,  
amended

- (*c*) by mailing it addressed to the owner at his actual place of business or of residence, if known, or at his place of business or residence as set forth in the last revised assessment roll of the municipality; or

. . . . .

3. Section 20 of *The Local Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 215, s. 20  
amended

Construction  
of sewer or  
watermain

- (4) Where the work is the constructing, enlarging or extending of a sewer or watermain, including a sewer or watermain on each side or one side only of a street, the council may make a reduction in the special assessment of corner lots that would otherwise be chargeable thereon by deducting from the total frontage of a corner lot liable to special assessment the number of feet abutting on the work on the side of the lot.

R.S.O. 1950,  
c. 215,  
amended

4. *The Local Improvement Act* is amended by adding thereto the following section:

Special  
assessment  
on flanking  
that becomes  
frontage

- 28a.—(1) Where a local improvement is carried out and an exemption is made of flanking of a lot which flanking later becomes a frontage on the work that has been carried out, the corporation may impose a special assessment of such amount as would have been assessed against such flanking had it been frontage at the time of the passing of the by-law.

Notice of  
assessment

- (2) Notice of such assessment shall be given by registered mail addressed to the then registered owner of such flanking.

Appeal

- (3) Any person complaining that the amount of flanking in respect of which the assessment is imposed is incorrect may do so in writing delivered to the clerk of the municipality within ten days of the mailing of the notice under subsection 2, and the clerk of the municipality shall forthwith transmit the same to the court of revision and give to the complainant written notice of the time and place of the hearing of the complaint posted six days prior to the date set therefor, and the court of revision shall consider the complaint and its decision thereon shall be final and binding.

When due  
and payable

- (4) Where such assessment is so imposed, it shall be due and payable in equal annual instalments commencing the year when the flanking becomes the frontage on the work, and for such term of years as charges were imposed by the by-law.

Period in  
which  
charges  
payable

- (5) The annual assessments imposed or collected under this section shall be limited to those which would fall due during the period of the currency of the debentures issued for such work and five years thereafter and, when collected, shall be credited to the general funds of the corporation.

5. Subsection 1 of section 29 of *The Local Improvement Act* is amended by inserting after "lane" in the second line "or the construction of a sewer for drainage purposes in a lane", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 215, s. 29,  
subs. 1,  
amended

- (1) Where the work is the opening, widening, extension, grading or paving of a lane or the construction of a sewer for drainage purposes in a lane, and the council is of opinion that any lot abutting on the work is not benefited by the work, or is not benefited thereby to the same extent as other abutting lots, the council may, in the by-law for undertaking the work, exempt such lot or make a reduction in the special assessment which would otherwise be chargeable thereon by deducting from the total frontage of the lot liable to special assessment so much thereof as is sufficient to make the proper reduction.

Assessment  
for opening  
lane

6. *The Local Improvement Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 215,  
amended

37a.—(1) Where a by-law has been passed providing for the undertaking of a work and lands that are assessed in one block and are or are to be specially assessed become subdivided, the council of the corporation with the approval of the Board may,

Special  
assessment  
of land  
assessed in  
block that  
becomes  
subdivided

- (a) amend the by-law for undertaking the work to define such lands so assessed in one block as an area; and
- (b) provide that the special assessments that would have been assessed against such lands, including all or part of any assessments that would otherwise become part of the corporation's share by reason of any new street provided for in such subdivision,

(i) shall be assessed and levied on the rateable property in the area, or

(ii) shall be assessed and levied in whole or in part upon the new lots fronting or abutting on the work and that the balance, if any, shall be assessed and levied on the rateable property in the area.

(2) Where a by-law is amended under subsection 1, the special assessment roll with respect to such area

Amendment  
of special  
assessment  
roll

shall

shall be amended by entering in accordance with section 39 every lot in the area to be specially assessed under this section.

Holding of  
court of  
revision

- (3) Section 41 shall apply *mutatis mutandis* to the special assessments made under this section.

R.S.O. 1950,  
c. 215, s. 50,  
subs. 4,  
amended

- 7.** Subsection 4 of section 50 of *The Local Improvement Act* is amended by striking out "In cities" in the first line, so that the subsection shall read as follows:

Consolidat-  
ing by-law  
may  
authorize  
debentures  
of different  
terms of  
years

- (4) A consolidating by-law passed under subsection 1 may authorize the issue of debentures in one series notwithstanding that some of the debentures may be for different terms of years from the other debentures to be issued thereunder, provided the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums which would have been raised under the separate by-laws had no consolidating by-law been passed.

R.S.O. 1950,  
c. 215, s. 64,  
subs. 1,  
amended

- 8.** Subsection 1 of section 64 of *The Local Improvement Act* is amended by inserting after "township" in the first line and in the third line respectively "town", so that the subsection shall read as follows:

Assessment  
of cost of  
works in  
areas

- (1) The council of a township, town or village may, in the by-law for undertaking any work as a local improvement, define an area in the township, town or village and provide that the cost of the work including debenture charges and the cost of maintenance and management of the work including the cost of the utility supplied shall be assessed and levied on the rateable property in the area.

Commence-  
ment

- 9.** This Act comes into force on the day it receives Royal Assent.

Short title

- 10.** This Act may be cited as *The Local Improvement Amendment Act, 1959*.



## CHAPTER 56

**An Act to amend The Magistrates Act, 1952**

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Magistrates Act, 1952*, as <sup>1952, c. 53,</sup> amended by section 1 of *The Magistrates Amendment Act*, <sup>s. 1, cl. b,</sup> re-enacted <sup>1957,</sup> is repealed and the following substituted therefor:

(*b*) "magistrate" includes deputy magistrate.

**2.** This Act may be cited as *The Magistrates Amendment* <sup>Short title</sup> *Act, 1959*.



## CHAPTER 57

## An Act to amend The Mental Hospitals Act

*Assented to March 26th, 1959**Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 26 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 229, s. 26,  
subs. 2,  
re-enacted

- (2) Within twenty-four hours after an alleged mentally ill or defective person is apprehended, he shall be brought before a magistrate or justice of the peace who shall thereupon notify one of such medical practitioners, if any have been appointed, and one other legally qualified medical practitioner, or, if no medical practitioner has been so appointed, the magistrate or justice of the peace shall notify two legally qualified medical practitioners and in either case shall cause an examination to be made within twenty-four hours of his appearance before the magistrate or justice of the peace or such longer period as may be necessary to perform the examination in the manner provided in section 20.

Examination  
by two  
medical  
practitioners

2. Subsection 1 of section 27 of *The Mental Hospitals Act* is amended by striking out "The magistrate, in addition to the examination prescribed in section 26, shall hear such evidence upon oath as may be adduced with reference to the mental condition of the alleged mentally ill or mentally defective person" in the first, second, third and fourth lines and inserting in lieu thereof "Any magistrate having jurisdiction shall, at the sitting of his court next following the completion of the examination prescribed by section 26, hear such evidence upon oath as may be adduced with reference to the mental condition of the alleged mentally ill or mentally defective person, in addition to the examination prescribed in section 26", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 229, s. 27,  
subs. 1,  
amended

- (1) Any magistrate having jurisdiction shall, at the sitting of his court next following the completion of the examination prescribed by section 26, hear such

Hearing of  
evidence,  
inquiring  
among  
friends, etc.

evidence

evidence upon oath as may be adduced with reference to the mental condition of the alleged mentally ill or mentally defective person, in addition to the examination prescribed in section 26, and shall direct that inquiry be made as to his friends or relatives in order that the evidence of some person or persons who is or are acquainted with his family and previous habits may be had, and for the purpose of ascertaining whether the alleged mentally ill or mentally defective person is possessed of any and what property, and where the same is situate, and also as to the number of persons, if any, dependent upon him for support, and to elicit as far as possible all information in respect to the matters mentioned in the prescribed form, but, if the magistrate finds that such inquiries will be expensive or that sufficient information has been obtained by other means, he shall not be required to make the inquiries by this section directed.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Mental Hospitals Amendment Act, 1959*.

## CHAPTER 58

## An Act to amend The Mental Incompetency Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *d* and *e* of section 10 of *The Mental Incompetency Act* are repealed and the following substituted therefor: R.S.O. 1950,  
c. 230, s. 10  
cls. *d*, *e*,  
re-enacted

(*d*) the committee shall give security for the due performance of his duties in such amount as the court may direct, which security shall be in the form of a bond in the name of the Accountant of the Supreme Court and shall be filed in his office; and

(*e*) the committee shall pass his accounts from time to time at such intervals as the court may direct.

**2.** Section 15 of *The Mental Incompetency Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 230, s. 15,  
amended

(*m*) invest or re-invest any money in his hands belonging to the mentally incompetent person in the classes of securities mentioned in section 26 of *The Trustee Act*. R.S.O. 1950,  
c. 400

**3.** This Act may be cited as *The Mental Incompetency Amendment Act, 1959*. Short title





## CHAPTER 59

# An Act to amend The Milk Industry Act, 1957

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Milk Industry Act, 1957* is repealed and the following substituted therefor: 1957, c. 70,  
s. 6,  
re-enacted

- 6.—(1) Where the Board receives from any group of producers in Ontario a petition or request asking that a plan be established for the regulating or controlling of the marketing of milk, or fluid milk, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion thereof, and where the Board is of the opinion that the group of producers represents 15 per cent of the producers affected by the proposed plan, the Board shall investigate and consider the purposes of the proposed plan and matters relating to the marketing of the milk, or fluid milk, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion thereof, as the case may be. Petition  
for a  
plan
- (2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the regulating or controlling of the marketing of milk, or fluid milk, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion thereof, will be conducive to the more efficient production and marketing thereof, the Board may submit to a plebiscite of the producers thereof the question of favour of the plan. Plebiscite  
of  
producers
- (3) Where the Board receives from producers of a regulated product a petition which in the opinion of the Board bears the signatures of at least 15 per cent of the producers under the plan asking that the plan be revoked, the Board may submit to a plebiscite Submission  
to  
plebiscite  
by producers

of the producers of the regulated product the question of favour of the plan, but a petition need not be considered by the Board in respect of a plan that was established within the preceding year or a plan on which a plebiscite of the producers was taken on a like question within the preceding two years.

Submission  
or re-  
submission  
to plebiscite  
by Board

- (4) Where in the opinion of the Board an existing plan should be submitted or resubmitted to a plebiscite, it may submit or resubmit to a plebiscite of the producers of the regulated product the question of favour of the plan.

Plebiscite on  
amendment  
of the  
purposes  
of a plan

- (5) Where the Board receives from a local board a request that amendment be made of the purposes of the plan under which the local board is established, the Board may submit to a plebiscite of the producers of the regulated product the question of favour of the proposed purposes.

Regulations  
for taking  
of plebiscite

- (6) Where the Board submits or resubmits to a plebiscite of the producers of milk, or fluid milk, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations,

- (a) prescribing the manner of taking votes in the plebiscite;
- (b) defining "producer" for the purposes of the plebiscite;
- (c) providing for the registration of producers and the preparation and revision of voters' lists;
- (d) providing for the appointment of revising officers and deputy returning officers and prescribing their powers to add names to or strike names from the voters' lists;
- (e) providing for appeals to the Board from any decision of a revising officer;
- (f) providing that a person shall not be entitled to vote in the plebiscite unless his name appears on the voters' list as revised;

(g)

- (g) providing for the taking of the plebiscite, including the times and places of voting, the appointment of persons for the purposes of the plebiscite and the notices to be given to producers;
  - (h) respecting any other matter which the Board deems necessary or advisable for the taking of the plebiscite.
- (7) Where a plebiscite is taken under subsection 2 or 5 and the percentage of votes in favour of the question submitted is not less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the proposed plan be established or the existing plan be amended, as the case may be. Result of plebiscite to establish or amend a plan
- (8) Where a plebiscite is taken under subsection 3 or 4 and the percentage of votes in favour of the existing plan is less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the existing plan be revoked. Result of plebiscite on re-submission of plan
- (9) Where the Board submits to a plebiscite of the producers of milk, or fluid milk, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion thereof or a regulated product the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may at the same time also submit any question relating to the controlling or regulating of the marketing of any such product or regulated product. Additional questions may be submitted to plebiscite
- (10) No plebiscite shall be declared invalid by reason of, Plebiscite not invalid for any irregularity, etc.
- (a) any irregularity on the part of the returning officer or a deputy returning officer or in any of the proceedings in respect of the plebiscite;
  - (b) a failure to hold a poll at any place appointed for holding a poll;
  - (c) non-compliance with the provisions of this Act or the regulations in respect of the plebiscite as to the taking of the poll or the counting of the votes, or as to limitations of time; or

(d)

- (d) any mistake in the use of the forms prescribed in the regulations in respect of the plebiscite,

if it appears that the irregularity, failure, non-compliance or mistake did not affect the result of the plebiscite.

Irregularity  
in voters'  
list not to  
invalidate  
plebiscite

- (11) Any irregularity in the preparation or revision of the voters' list for a plebiscite shall not be a ground for questioning the validity of the plebiscite and the persons whose names appear on the voters' list as finally revised shall be deemed to be the producers entitled to vote in the plebiscite.

Recount

- (12) The Board may in such manner as it deems proper provide for a recount of the ballots cast in any or all polling districts for a plebiscite and may provide for a plebiscite to be resubmitted on the same question or questions in any or all polling districts.

Voting  
documents  
to be  
retained  
by Board

- (13) The Board shall retain in its possession any documents in respect of a plebiscite for at least one year after the last day of voting in the plebiscite.

Regulations  
respecting  
plans and  
local boards

- 6a.—(1) Notwithstanding section 6, the Lieutenant-Governor in Council may make regulations,

(a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of milk, or fluid milk, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion thereof, and constituting local boards to administer such plans;

(b) defining "producer" or classes of producers for the purposes of any plan;

(c) giving to any local board any or all of the powers which are vested in a co-operative corporation incorporated under Part V of *The Corporations Act, 1953*, as amended from time to time, and providing that in the exercise of such powers the members of the local board shall be deemed to be the shareholders and the directors thereof;

(d) prescribing by-laws for regulating the government of local boards and the conduct of their affairs, but any local board may make by-laws

not inconsistent with this Act, regulations made under this clause or regulations made under the plan under which the local board is established as amended from time to time;

- (e) dissolving a local board on such terms and conditions as he may deem proper and providing for the disposition of the assets of the local board.

- (2) A plan may apply to,

Application  
of plan

- (a) all of Ontario or to any area within Ontario;
- (b) milk, or fluid milk, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion thereof; and
- (c) any or all persons engaged in producing, marketing or processing the product or products under clause *b* to which the plan applies.

- (3) The method by which the members of any local board shall be appointed, elected or chosen shall be set out in the plan under which the local board is established.

Contents  
of plan

- (4) Every local board shall be a body corporate.

Local board  
to be body  
corporate

- (5) The acts of a member or an officer of a local board are valid notwithstanding any defects that may afterwards be discovered in his qualifications and appointment or election.

Acts of  
members  
valid

**2.—**(1) Clause 23 of subsection 1 of section 7 of *The Milk Industry Act, 1957* is repealed and the following substituted therefor:

1957, c. 70,  
s. 7, subs. 1,  
cl. 23,  
re-enacted

23. prescribing the percentages of votes required under section 6.

(2) Clause 24 of subsection 1 of the said section 7 is amended by striking out "upon the recommendation of the local board" in the first line, so that the clause shall read as follows:

1957, c. 70,  
s. 7, subs. 1,  
cl. 24,  
amended

24. designating a marketing agency by or through which a regulated product shall be marketed and requiring the regulated product to be marketed by or through such marketing agency.



1957, c. 70,  
s. 7, subs. 1,  
amended

(3) Subsection 1 of the said section 7 is amended by adding thereto the following clause:

26a. requiring any person who receives any of the regulated product from a producer to deduct from the moneys payable to the producer any licence fees, levies or charges payable by the producer to the local board or marketing agency, as the case may be, and to forward such licence fees, levies or charges to the local board or marketing agency.

1957, c. 70,  
s. 7, subs. 2,  
re-enacted

(4) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Agreements  
and awards

(2) Every agreement made under clause 14 of subsection 1 and every award made under clause 15 or 16 of subsection 1 and every re-negotiated agreement or award made under clause *b* of this subsection,

(a) shall be filed with the Board forthwith after the making thereof and the Board may by order declare the agreement or award, or re-negotiated agreement or award, or part thereof, to come into force on the day it is so filed or on such later day as may be named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, shall remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and

(b) may at any time upon an order of the Board be re-negotiated in whole or in part in such manner as the Board may determine.

1957, c. 70,  
s. 8, cl. *a*,  
amended

3. Clause *a* of section 8 of *The Milk Industry Act, 1957* is amended by adding thereto the following subclause:

(ix) to purchase or otherwise acquire such quantity or quantities of the regulated product as the marketing agency deems advisable.

1957, c. 70,  
amended

4. *The Milk Industry Act, 1957* is amended by adding thereto the following section:

Limitation  
of powers  
of local  
board

8a. Where the Board delegates to a local board any of its powers or vests in a marketing agency powers



to promote, regulate and control the marketing of a regulated product, the Board may, at any time,

- (a) limit the powers of the local board or the marketing agency in any or all respects; and
- (b) revoke any regulation, order or direction of the local board or marketing agency made or purporting to be made under such power.

**5.**—(1) Subsection 1 of section 22 of *The Milk Industry Act, 1957* is amended by inserting after “bargaining” in the first line “by the representatives of the producers and distributors”, so that the subsection shall read as follows:

- (1) When collective bargaining by the representatives of the producers and distributors has proceeded for fourteen days, or sooner if the representatives of either party are satisfied that an agreement under section 21 cannot be reached, they may, by notice to the representatives of the other party and to the Board, require all matters in dispute to be referred to the Board which shall arbitrate the same.

(2) The said section 22 is amended by adding thereto the following subsection:

- (1a) When collective bargaining by the representatives of the producers and transporters has proceeded for fourteen days, or sooner if the representatives of either party are satisfied that an agreement under section 21 cannot be reached, they may, by notice to the representatives of the other party and to the Board, require all matters in dispute to be arbitrated by a board of arbitration of three members, of whom one shall be appointed by the representatives of the producers, one shall be appointed by the representatives of the transporters, and one shall be appointed by the two members appointed by the representatives of the producers and the transporters, but, where the two members fail to agree on the third member of the board of arbitration within ten days of their appointment and so notify the Board, the Board shall appoint the third member, and the board of arbitration shall forthwith arbitrate the same.

**6.** Section 33 of *The Milk Industry Act, 1957* is amended by striking out “declared to be in force under this Act” in the third line and by inserting after “award” in the fifth line

“or

“or re-negotiated agreement or award”, so that the section shall read as follows:

Offences  
and  
penalties

33. Every person who fails to comply with or contravenes any of the provisions of this Act or of the regulations, or of any plan, or of any order or direction of the Board or any local board or any marketing agency, or of any agreement or award or re-negotiated agreement or award filed with the Board, or any by-law under this Act, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a second or subsequent offence to a fine of not less than \$50 and not more than \$500.

Plans  
declared  
valid

7.—(1) The following described plans are hereby declared valid and binding to all intents and purposes whatsoever notwithstanding that the plans would, but for this section, be invalid or not binding and shall be deemed to have been established under *The Milk Industry Act, 1957* as amended by this Act:

1957, c. 70

1. The Ontario Cream Producers' Marketing-for-Processing Plan, Ontario Regulations 32/55, as amended by Ontario Regulations 129/58.
2. The Ontario Cheese Producers' Marketing Plan, Ontario Regulations 198/57.
3. The Ontario Concentrated Milk Producers' Marketing-for-Processing Plan, Ontario Regulations 203/54.

Powers not  
limited

(2) Nothing in subsection 1 limits the power of the Lieutenant-Governor in Council under subsection 1 of section 6a of *The Milk Industry Act, 1957*, as enacted by section 1 of this Act.

Commence-  
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Milk Industry Amendment Act, 1959*.

## CHAPTER 60

## An Act to amend The Mining Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act, 1955*, is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 236, s. 54  
(1955, c. 45,  
s. 12),  
amended

(2) For the purpose of subsection 1, the purchase of sets of metal tags under subsection 1 of section 61a shall be deemed to be mining claims staked out and applied for. Idem

2. Section 55 of *The Mining Act*, as amended by section 13 of *The Mining Amendment Act, 1955*, is further amended by adding thereto the following subsection: R.S.O. 1950,  
c. 236, s. 55,  
amended

(3a) Every post shall be a post, standing stump or tree not before used as a post for a mining claim. Idem

3. Subclause v of clause b of subsection 1 of section 58 of *The Mining Act*, as enacted by subsection 1 of section 14 of *The Mining Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 236, s. 58,  
subs. 1, cl. b,  
subcl. v  
(1955, c. 45,  
s. 14,  
subs. 1),  
re-enacted

(v) where metal tags have been affixed to the corner posts under section 61a, the letters and numbers on the tags so affixed.

4.—(1) Subsection 3 of section 61 of *The Mining Act*, as amended by section 4 of *The Mining Amendment Act, 1957*, is further amended by striking out "one year" in the amendment of 1957 and inserting in lieu thereof "six months", so that the subsection shall read as follows: R.S.O. 1950,  
c. 236, s. 61,  
amended

(3) As soon as reasonably possible after the recording of the mining claim, and not later than six months thereafter, the holder of the claim shall affix or cause Tagging  
claim posts  
after  
recording

to be affixed securely to each of the corner posts of the claim a metal tag plainly marked or impressed with the recorded number and letter or letters of the claim, and the recorder shall supply such numbered tags free of charge.

R.S.O. 1950,  
c. 236, s. 61,  
amended

(2) The said section 61 is amended by adding thereto the following subsection:

Application  
of subs. 3

(3a) Subsection 3 does not apply to mining claims on which the metal tags have been affixed to the corner posts at the time of staking under section 61a.

R.S.O. 1950,  
c. 236, s. 61,  
subs. 5  
(1956, c. 47,  
s. 3),  
amended

(3) Subsection 5 of the said section 61, as enacted by section 3 of *The Mining Amendment Act, 1956*, is amended by adding at the commencement thereof "Notwithstanding subsection 4 of section 93", so that the subsection shall read as follows:

Staking out  
pending  
cancellation

(5) Notwithstanding subsection 4 of section 93, where the metal tags have not been affixed as required by subsection 3, any licensee may stake the claim but the recorder shall not record his application therefor until cancellation has been effected under subsection 4.

R.S.O. 1950,  
c. 236,  
amended

5. *The Mining Act* is amended by adding thereto the following section:

Issuing of  
claim tags  
before  
staking

61a.—(1) A licensee may purchase from the proper mining recorder sets of metal tags for the number of mining claims that he is entitled to stake under section 54, and the purchase of such tags and the date thereof shall be endorsed by the mining recorder on the licence of the purchaser.

Fees

(2) The fee for metal tags purchased under subsection 1 shall be \$1 per set, which shall be deducted by the mining recorder from the fee prescribed in item 5 or item 24 of the Schedule of Fees when the licensee presents an application to record a mining claim on which he has used a set of metal tags so purchased.

Affixing  
of claim  
tags

(3) A licensee purchasing metal tags under this section shall affix the metal tags to the corner posts at the time of staking out a mining claim and otherwise the staking out and recording shall be in the manner provided in this Act.



- (4) Metal tags purchased under this section shall be used in staking out claims only by the licensee who purchased them and they shall not be used in staking out claims after the expiry of the licence year in which they were purchased and there shall be no refund of the fee paid for any unused metal tags. Idem
- (5) Metal tags purchased under this section shall be used only for staking out mining claims in the mining division in which they were issued. Claim tags to be used in mining division where issued
- (6) A licensee shall not stake out a claim to which subsection 3 of section 61 applies in a mining division while he holds any unexpired metal tags issued under this section in such a division. Metal tags must be used
- (7) Where metal tags are affixed to the corner posts at the time of staking as provided in subsection 3, the licensee who stakes out the claim shall so state in his application to record the mining claim. Affixing of claim tags to be stated in application to record
- (8) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed at the time of staking as required by subsection 3, the recorder shall cancel the claim, and shall by registered letter mailed not later than the next day notify the holder thereof of his action and the reason therefor. Cancellation of claim where metal tags not affixed
- (9) Notwithstanding subsection 4 of section 93, where the metal tags have not been affixed as required by subsection 3, any licensee may stake the claim but the recorder shall not record his application until cancellation has been effected under subsection 8. Staking out pending application

6. Subsection 1 of section 80 of *The Mining Act* is amended by striking out "of not less than eight hours per day" in the sixth and seventh lines, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950, c. 236, s. 80, subs. 1, amended

- (1) The recorded holder of a mining claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of two hundred days work, which work shall be performed as follows:

. . . . .

R.S.O. 1950,  
c. 236, s. 81,  
subs. 3,  
re-enacted

7.—(1) Subsection 3 of section 81 of *The Mining Act*, as amended by subsection 1 of section 18 of *The Mining Amendment Act, 1955*, is repealed and the following substituted therefor:

Diamond or  
other core  
drills

(3) Where the length of the drill hole is more than 25 feet, boring by diamond or other core drill shall count as work,

(a) where the core from the drill is less than  $\frac{7}{8}$  of an inch in diameter or the length of the drill hole is 100 feet or less, at the rate of one day's work for each 4 feet of boring; and

(b) where the core from the drill is  $\frac{7}{8}$  of an inch or more in diameter and the length of the drill hole is greater than 100 feet, at the rate of one day's work for each foot of boring.

R.S.O. 1950,  
c. 236, s. 81,  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 81, as amended by subsection 1 of section 6 of *The Mining Amendment Act, 1953*, is repealed and the following substituted therefor:

Mechanical  
equipment

(4) Work done by mechanical equipment of a type approved by the Minister shall count as work at the rate of one day's work in respect of each man necessarily employed in operating such equipment for each three hours of his employment, but credit shall not be given for more than two operators for each of such equipment without the consent of the Minister, and credit shall not be given for more than twelve hours in any day in respect of any operator.

R.S.O. 1950,  
c. 236, s. 81,  
subs. 5, cl. a,  
re-enacted

(3) Clause *a* of subsection 5 of the said section 81 is repealed and the following substituted therefor:

(a) ground surveys at the rate of four days' work in respect of each man necessarily employed in the survey for each eight hours of his employment but no credit shall be given for more than twelve hours in any day in respect of any man; and

. . . . .

R.S.O. 1950,  
c. 236, s. 81,  
subs. 6,  
re-enacted

(4) Subsection 6 of the said section 81 is repealed and the following substituted therefor:

Geological  
survey to  
count as  
work

(6) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on such claim at the rate of four days' work in respect of

each



each man necessarily employed in such survey for each eight hours of such employment not exceeding a total of forty days' work in respect of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man and credit for the work shall be cancelled by the recorder unless full reports and plans of the survey, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of such work.

(5) Subsection 9 of the said section 81, as enacted by section 6 of *The Mining Amendment Act, 1954*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 236, s. 81,  
subs. 9  
(1954, c. 53,  
s. 6),  
re-enacted

(9) Shaft sinking, drifting or other lateral work that is at least ten feet below the surface and the opening of which is at least five feet by seven feet shall count as work at the rate of four days' work in respect of each man employed in such work for each six hours of such employment, but no credit shall be given for more than twelve hours in any day in respect of any man.

Shaft  
sinking,  
etc.

(10) Manual work as prescribed in section 80 and not otherwise provided for in this section shall count as work at the rate of one day's work for each six hours of each man's employment, but no credit shall be given for more than twelve hours in any day in respect of any man.

Manual  
work

(6) Where work is performed on or before the 1st day of June, 1959, and is reported on or before the 1st day of September, 1959, the recorded holder of the mining claim may record the work as though this section were not in force and, if he records work under this subsection, he shall so state in his report of the work.

Work  
between  
June 1 and  
Sept. 1, 1959

8.—(1) Subsection 1 of section 89 of *The Mining Act*, as re-enacted by section 7 of *The Mining Amendment Act, 1954* and amended by subsection 1 of section 4 of *The Mining Amendment Act, 1958*, is further amended by striking out "subsection 4 of section 61 or under" in the first and second lines, so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1950,  
c. 236, s. 89,  
subs. 1  
(1954, c. 53,  
s. 7),  
amended

(1) Where forfeiture or loss of rights occurs under subsection 1 of section 88 and,

Relief  
against  
forfeiture

R.S.O. 1950,  
c. 236, s. 89  
(1953, c. 64,  
s. 7),  
amended

(2) The said section 89, as re-enacted by section 7 of *The Mining Amendment Act, 1953* and amended by section 7 of *The Mining Amendment Act, 1954*, subsection 2 of section 4 of *The Mining Amendment Act, 1956* and section 4 of *The Mining Amendment Act, 1958*, is further amended by adding thereto the following subsection:

Tags  
under  
section 61a

(2a) Item 1 of subsection 2 does not apply to metal tags required to have been affixed under section 61a.

R.S.O. 1950,  
c. 236, s. 93,  
subs. 3,  
amended

9. Subsection 3 of section 93 of *The Mining Act*, as amended by section 5 of *The Mining Amendment Act, 1956*, is further amended by striking out "or from the entry by the recorder in his record book of the allowance of the discovery" in the first, second and third lines, so that the subsection shall read as follows:

Appeal  
from  
cancellation

(3) An appeal from the cancellation of the claim may be taken to the Commissioner by the holder of the claim or by the disputant or other interested party, within the time and in the manner provided by section 127.

R.S.O. 1950,  
c. 236, s. 114  
(1956, c. 47,  
s. 7),  
amended

10. Section 114 of *The Mining Act*, as re-enacted by section 7 of *The Mining Amendment Act, 1956*, is amended by adding thereto the following subsection:

Acting  
Mining  
Commis-  
sioner

(3) Where the Mining Commissioner is unable to perform his duties because of illness or for any other reason, the Minister may, in writing, appoint a person to act in his stead but the authority of such person shall be restricted to the making of orders under section 89 and he shall have such powers of the Mining Commissioner as are necessary for the purpose.

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 78,  
amended

11.—(1) Rule 78 of section 162 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act, 1957*, is amended by adding thereto the following clause:

(b) In open pits or quarries where the extent of the operation or the exposure of persons renders the warning required under clause *a* ineffective, due warning shall be given of a primary blast by siren or its equivalent in an approved manner, in addition to guarding as required by rule 79.

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 79,  
amended

(2) Rule 79 of the said section 162 is amended by adding thereto the following clause:

Guarding  
roads

(aa) Subject to permission having been obtained, when required, from the appropriate authority, where it is necessary to stop traffic on a public road during a

blasting

blasting operation, an adequate number of flagmen equipped with suitable red flags shall be posted and signs such as "DANGER", "BLASTING" or "STOP FOR FLAGMAN" shall be posted along the road at suitable locations to warn traffic approaching the flagman guarding the area.

(3) Rule 167 of the said section 162 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 167,  
re-enacted

(167) (a) Every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a suitable audible signal that shall be maintained in proper working condition.

Warning  
equipment

(b) Except when used in adequately lighted buildings or areas, every locomotive, engine, trolley or motor vehicle used above or below ground shall be equipped with a headlight or headlights that shall be maintained in proper working condition, and motor vehicles used for trackless haulage shall be equipped with a suitable tail light or lights that shall be maintained in proper working condition.

(c) Every self-propelled unit of trackless haulage equipment used below ground shall be equipped with suitable lights or reflectors that shall show in the direction of travel the width of the vehicle.

(4) Clause *a* of rule 169 of the said section 162 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 169,  
cl. *a*,  
re-enacted

(a) The audible signal on a locomotive, engine, trolley or motor vehicle when used underground or in an enclosed building shall be sounded when the vehicle starts to move and at such other times as warning of danger is required.

Warning  
equipment  
to be used

(5) Rule 170 of the said section 162 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 170,  
re-enacted

(170) In mechanical haulage in any level, drift or tunnel in or about a mine, no unauthorized person shall ride on any vehicle. Special trips for persons only shall be made on approved vehicles.

Riding on  
vehicles

(6) Rule 171 of the said section 162 is amended by adding thereto the following clauses:

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 171,  
amended

(c) On every level regularly used both for pedestrian traffic and trackless haulage where there is a total minimum clearance of less than seven feet, safety stations

shall

shall be cut at intervals not exceeding 100 feet and these shall be plainly marked.

(d) All regular travelways shall be maintained clear of debris or obstructions that are likely to interfere with safe travel.

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 180,  
amended

(7) Rule 180 of the said section 162 is amended by adding thereto the following clause:

Track  
condition

(b) All tracks shall be maintained in good working condition.

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 181,  
re-enacted

(8) Rule 181 of the said section 162 is repealed and the following substituted therefor:

Conveyors,  
belts

(181) (a) No person shall ride on any conveyor or belt other than an escalator or man-lift approved by the Chief Engineer.

(b) The following shall apply to installations of underground conveyor belts that exceed 100 feet in length:

- (i) There shall be an approved means for stopping the conveyor belt, available to any person along its course, by a device that is not capable of restarting the conveyor belt.
- (ii) There shall be a suitable means of locking or tagging the control switch, or both, to prevent the conveyor belt from starting. The control switch that is locked shall not be a push-button switch.
- (iii) There shall be a suitable alarm sounded prior to the starting of a conveyor belt to warn persons along its course.
- (iv) Where conveyorways are used as regular travelways, suitable means shall be provided to protect persons from material that may fall from the belt.

R.S.O. 1950,  
c. 236, s. 162  
(1957, c. 71,  
s. 12),  
rule 193,  
re-enacted

(9) Rule 193 of the said section 162 is repealed and the following substituted therefor:

Record of  
primary  
blasts

(193) At all rock quarries a record of each primary blast, signed by the person in charge of the blast, shall be kept and the following information recorded:

- (a) Date, time and location of the blast.
- (b) Burden, spacing, depth and number of holes blasted.

(c)



(c) Weight of explosive, footage of top stemming and firing delays used in respect of each hole.

(d) Weight of explosives used per estimated ton broken.

**12.**—(1) *The Mining Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 236,  
amended

#### BRINE WELLS

164d.—(1) In this section,

Interpre-  
tation

(a) “brine well” means any hole or opening in the ground for use in brining;

(b) “brining” means the extraction of salt in solution by any method.

(2) No person shall drill or bore a brine well except under the authority of a permit in writing issued by the Minister upon application therefor in the prescribed form.

Permit to  
bore or  
drill a  
brine well

(3) A permit shall not be issued,

Permits  
not issued

(a) to authorize any person to drill or bore a brine well on property in which he does not own, hold or lease or is not otherwise entitled to the mining rights; or

(b) where the proposed brine well is nearer the boundary of such property than 500 feet.

(4) The Chief Engineer may reduce or extend the distance referred to in clause *b* of subsection 3 where in his opinion it is advisable to do so and shall notify the applicant of any such reduction or extension within thirty days from the date upon which the application for the permit is filed.

Location of  
brine well

(5) A permit shall be subject to the condition that the brine well in respect of which it is issued is bored or drilled in the location described in the permit.

Condition  
of permit

(6) A permit shall be issued or refused within thirty days from the date on which the application therefor is filed, except that, where notice has been given by the Chief Engineer under subsection 4, the permit shall be issued upon the receipt by the Minister of the applicant's consent thereto.

Time for  
issuance  
of permit

Log of  
drilling  
operations

- (7) Where a person drills or bores any brine well, he shall forward a log of the drilling or boring on the prescribed form in duplicate to the Chief Engineer within thirty days of the completion of the drilling or boring operations and upon his request in writing the log shall be confidential for a period of six months.

Protection  
of water  
horizons

- (8) A person boring or drilling a brine well shall take such reasonable measures as are necessary to control the infiltration of water from one horizon to any other horizon that may be penetrated during the drilling or boring operations.

Protection  
of deposits

- (9) All brine wells shall be cased and equipped so as to reasonably ensure against the uncontrolled flow of oil, natural gas, brine or water.

Standard  
of casing  
and  
equipment

- (10) Casing and equipment shall be in good condition and of a thickness and strength adequate to withstand any fluid pressure to which they might normally be subjected.

Plugging of  
abandoned  
wells

- (11) Where practicable, all brine wells shall be plugged by the person operating them before being abandoned in a manner that will,

(a) reasonably ensure that salt horizons and potential oil or natural gas producing horizons are protected; and

(b) retain water and brine in their original formations.

Report of  
proposed  
plugging

- (12) Before commencing to plug a brine well, the person proposing to carry out the plugging operations shall report the particulars thereof to the Chief Engineer in the prescribed form.

Record of  
plugging  
operations

- (13) Where a person plugs a brine well, he shall forward a record of the plugging in the prescribed form in duplicate to the Chief Engineer within thirty days of the completion of the plugging operations.

Effect of  
s. 164d,  
subss. 9, 10

- (2) Subsections 9 and 10 of section 164d of *The Mining Act*, as enacted by subsection 1, apply to casing and equipment installed or replaced after this Act comes into force.

R.S.O. 1950,  
c. 236,  
amended

**13.** *The Mining Act* is amended by adding thereto the following section:

No fee to  
record order  
upon  
direction  
of Mining  
Commis-  
sioner

198a.—(1) Notwithstanding section 198, where an order is made by the Mining Commissioner or on appeal from his decision, and it is in the public interest that

such



such order be recorded, and where such order would not otherwise be recorded, the Mining Commissioner may direct the mining recorder to record the order without fee.

- (2) Subsection 1 does not apply to an order made under <sup>Exception</sup> section 89, except an order dismissing an application made under that section.

**14.** Section 204 of *The Mining Act*, as enacted by section 4 <sup>R.S.O. 1950,</sup> of *The Mining Amendment Act, 1951*, is amended by striking <sup>c. 236,</sup> out "*The Companies Act*" in the second line and inserting in <sup>s. 204,</sup> lieu thereof "*The Corporations Act, 1953* or *The Mortmain* <sup>(1951, c. 51,</sup> *and Charitable Uses Act*, or any predecessor thereof", so that <sup>s. 4),</sup> the section shall read as follows: <sup>amended</sup>

204. Where mining lands are forfeited to the Crown under *The Corporations Act, 1953* or *The Mortmain and Charitable Uses Act*, or any predecessor thereof, the <sup>Lands forfeited to Crown</sup> Minister may cause a certificate to be registered in <sup>1953, c. 19</sup> the proper land titles or registry office stating that <sup>R.S.O. 1950,</sup> forfeiture has been effected under that Act and that <sup>c. 241</sup> by reason of such forfeiture the patent, lease or other title whereby such lands were granted has been cancelled and annulled, and upon the registration of the certificate such lands may be dealt with in the manner provided in this Act.

**15.** Every forfeiture of lands and mining rights heretofore <sup>Previous forfeitures validated</sup> made under Part XIII of *The Mining Act* or under *The Mining Tax Act* shall be deemed to be valid notwithstanding that <sup>R.S.O. 1950,</sup> such forfeiture would, but for this section, be invalid or void. <sup>cc. 236, 237</sup>

**16.** This Act, except sections 11 and 12, comes into force <sup>Commence-</sup> on the day it receives Royal Assent. <sup>ment</sup>

**17.** This Act may be cited as *The Mining Amendment Act*, <sup>Short title</sup> 1959.



## CHAPTER 61

## An Act to amend The Mining Tax Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of section 1 of *The Mining Tax Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 237, s. 1,  
cl. *c*,  
re-enacted

(*c*) “mine” means any opening in or working of the ground at or below the surface of the earth,

(i) from or by which metalliferous ore or other solid mineral substance is taken, or

(ii) from or by which sodium chloride is extracted in liquid form for commercial purposes,

and includes the whole parcel of land in which the workings are being or have been carried on.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1950,  
c. 237, s. 1,  
amended

(*ee*) “mineral substance” or “mineral workings” does not include diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, or non-auriferous sand or gravel.

**2.** Section 46 of *The Mining Tax Act* is repealed. R.S.O. 1950,  
c. 237, s. 46,  
repealed

**3.**—(1) *The Mining Tax Act*, as amended by section 1, applies to the whole of the taxation year that ends in the year in which this Act is proclaimed and to every taxation year thereafter. Application  
of s. 1

(2) In subsection 1, “taxation year” has the same meaning as in section 1 of *The Mining Tax Act*, as amended by section 1 of *The Mining Tax Amendment Act, 1958*. Interpre-  
tation

**4.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-  
ment

**5.** This Act may be cited as *The Mining Tax Amendment Act, 1959*. Short title



## CHAPTER 62

## An Act to amend The Municipal Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Municipal Act* is amended by adding thereto the following clauses: R.S.O. 1950,  
c. 243, s. 1,  
amended

(cc) "debt" includes obligation for the payment of money;

(qq) "sewage" includes drainage, storm water, commercial wastes and industrial wastes.

**2.** Section 10 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 243, s. 10  
(1954, c. 56,  
s. 1),  
amended

(9) For the purposes of this section, "inhabitant" means a permanent resident or a temporary resident having a permanent dwelling within the locality. Interpreta-  
tion

**3.** Clause *a* of subsection 1 of section 55 of *The Municipal Act* is amended by adding at the end thereof "or is the wife of a householder and who resides in or within five miles of the municipality", so that the clause shall read as follows: R.S.O. 1950,  
c. 243, s. 55,  
subs. 1, cl. *a*,  
amended

(a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality or is the wife of a householder and who resides in or within five miles of the municipality.

**4.** Subsection 3 of section 56 of *The Municipal Act*, as amended by section 5 of *The Municipal Amendment Act, 1958*, is further amended by adding thereto the following clause: R.S.O. 1950,  
c. 243, s. 56,  
subs. 3,  
amended

(j) of his being related by blood or marriage to a person employed by the corporation.

R.S.O. 1950,  
c. 243, s. 158,  
amended

5. Section 158 of *The Municipal Act* is amended by adding thereto the following subsection:

Disposal of  
documents  
relating to  
election

- (3) Subject to subsection 1, the clerk shall retain in his possession all oaths, statements of the vote and other documents relating to an election until the successors to the persons elected at such election have taken office, and shall then destroy them.

R.S.O. 1950,  
c. 243, s. 223,  
re-enacted

6. Section 223 of *The Municipal Act*, as amended by section 9 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Salaries of  
members

- 223.—(1) The council of any city having a board of control may by by-law fix the salaries of the members of the board.
- (2) Where the population of a city is less than 100,000, the salary shall not exceed for each member of the board the sum of \$2,500 per annum.
- (3) Where the population of a city exceeds 100,000 but is less than 150,000, the salary shall not exceed for each member of the board the sum of \$3,500 per annum.
- (4) Where the population of a city exceeds 150,000 but is less than 200,000, the salary shall not exceed for each member of the board the sum of \$4,500 per annum.
- (5) Where the population of a city exceeds 200,000 but is less than 300,000, the salary shall not exceed for each member of the board the sum of \$6,000 per annum.
- (6) Where the population of a city exceeds 300,000, the salary shall not exceed for each member of the board the sum of \$8,500 per annum.

R.S.O. 1950,  
c. 243, s. 297,  
subs. 1,  
repealed

7. Subsection 1 of section 297 of *The Municipal Act* is repealed.

R.S.O. 1950,  
c. 243, s. 298,  
subs. 1,  
repealed

8.—(1) Subsection 1 of section 298 of *The Municipal Act*, as amended by subsection 1 of section 10 of *The Municipal Amendment Act, 1952* and section 17 of *The Municipal Amendment Act, 1958*, is repealed.

R.S.O. 1950,  
c. 243, s. 298,  
subs. 2,  
amended

(2) Subsection 2 of the said section 298, as amended by subsection 2 of section 10 of *The Municipal Amendment Act*,



1952, is further amended by striking out "The whole debt and the debentures" in the first line and inserting in lieu thereof "A money by-law shall provide that the whole debt and the debentures, if any", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) A money by-law shall provide that the whole debt and the debentures, if any, to be issued therefor shall be made payable within the respective periods hereinafter mentioned at furthest from the time when the debentures are issued,

. . . . .

(3) Subsection 3 of the said section 298, as re-enacted by R.S.O. 1950, c. 243, s. 298, subsection 3 of section 10 of *The Municipal Amendment Act, 1952*, is amended by striking out "The by-law" in the first line and inserting in lieu thereof "A money by-law for the issuing of debentures", so that the subsection shall read as follows:

- (3) A money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

(4) Subsection 4 of the said section 298, as re-enacted by R.S.O. 1950, c. 243, s. 298, subsection 4 of section 10 of *The Municipal Amendment Act, 1952*, is amended by striking out "The by-law" in the first line and inserting in lieu thereof "A money by-law for the issuing of debentures", so that the subsection shall read as follows:

- (4) A money by-law for the issuing of debentures shall provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act or in accordance with subsection 14 of this section.

9. Subsection 1 of section 298b of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1955*, is amended by inserting after "by-law" in the second

line "for the issuing of debentures", so that the subsection shall read as follows:

Debentures  
payable at  
a fixed date

- (1) Notwithstanding section 298, with the approval of the Municipal Board, a money by-law for the issuing of debentures may provide that the principal of the debt be made payable at a fixed date with interest payable annually or semi-annually.

R.S.O. 1950,  
c. 243, s. 300,  
subs. 1,  
re-enacted

**10.**—(1) Subsection 1 of section 300 of *The Municipal Act* is repealed and the following substituted therefor:

Corporation  
may incur  
debt

- (1) Subject to the limitations and restrictions in this and any other Act, a corporation may incur a debt for the purposes of the corporation whether under this or any other Act, but shall not incur any debt the payment of which is not provided for in the estimates for the current year unless a by-law of the council authorizing it has been passed with the assent of the electors.

R.S.O. 1950,  
c. 243, s. 300,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 300, as amended by section 12 of *The Municipal Amendment Act, 1952*, section 32 of *The Municipal Amendment Act, 1955* and subsection 2 of section 14 of *The Municipal Amendment Act, 1957 (No. 2)*, is repealed and the following substituted therefor:

Exceptions

- (3) Subsection 1 shall not apply to a by-law passed,

(a) under section 302 or paragraph 66 of subsection 1 of section 388; or

(b) for providing money for any of the purposes mentioned in paragraph 13a, 29, 48, 51a, 51b, 52 or 53 of section 386, or in subclause ii or iii of clause b of section 387, or in paragraph 63, 84, 85 or 86 of subsection 1 of section 388; or

R.S.O. 1950,  
cc. 215, 246

(c) under *The Local Improvement Act* or *The Municipal Drainage Act*; or

(d) by the council of a county, or of a city which forms part of a county for judicial purposes, for providing money for erecting, rebuilding, enlarging, furnishing and equipping the court house and offices to be used in connection therewith, a jail, a jailer's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes; or

(e)

- (e) by the council of a city or a separated town for providing such sum as is required to pay its share of the debt of the county as agreed upon or determined by arbitration; or
- (f) by the council of a city with the approval of the Municipal Board for providing such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream that constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be provided for all of such purposes in any one year shall not be more than \$10,000 where the city has a population of not more than 20,000; or \$15,000 where the city has a population of more than 20,000 and not more than 100,000; or \$20,000 where the city has a population of more than 100,000; or
- (g) by the council of any municipality with the approval of the Municipal Board for providing such sum or sums as may be required to pay or defray the cost or share of the cost of any work or improvement that, by the terms of any order of the Board of Transport Commissioners for Canada or of the Municipal Board, the municipality is or has been authorized or required to undertake or pay, or of any work or improvement that, in the opinion of the Municipal Board, is or has been rendered necessary or expedient owing to the construction of any work or improvement ordered by either of the said boards; but, where any such work or improvement is or has been merely authorized but not required to be undertaken by the municipality, no sum or sums may be provided hereunder unless the work was undertaken with the approval of the Municipal Board; or
- (h) by the council of an urban municipality for providing such sum as may be required for the purchase of a site in the municipality for an armoury or drill-shed for any militia or volunteer corps having its headquarters in the municipality, if the by-law is passed by a vote of two-thirds of all the members of the council; or

(i)

R.S.O. 1950,  
cc. 316, 310

1954, c. 87

(i) for providing money for any of the purposes mentioned in section 56 or 58 of *The Public Schools Act*, or subsection 1 of section 7, section 29 or subsection 5 of section 33 of *The Secondary Schools and Boards of Education Act, 1954*, or section 42 of *The Public Libraries Act*; or

(j) for providing a sum not exceeding \$5,000 for the purpose of making a grant to the University of Toronto; or

(k) under section 480; or

R.S.O. 1950,  
c. 306

(l) for providing any sum or incurring any debt that under *The Public Health Act* may be provided or incurred without the assent of the electors; or

(m) under section 34 of *The Public Health Act*.

R.S.O. 1950,  
c. 243, s. 301,  
subs. 1  
(1951, c. 53,  
s. 11),  
amended

**11.** Subsection 1 of section 301 of *The Municipal Act*, as re-enacted by section 11 of *The Municipal Amendment Act, 1951* and amended by section 15 of *The Municipal Amendment Act, 1957 (No. 2)*, is further amended by striking out "a public utility as defined in *The Public Utilities Act*" in the second and third lines and inserting in lieu thereof "any service of a public utility as defined in *The Department of Municipal Affairs Act* or of sewage works", so that the subsection shall read as follows:

Contracts  
for supply  
of public  
utility

R.S.O. 1950,  
c. 96

(1) A municipal corporation with the assent of the electors may enter into a contract for the supply of any service of a public utility as defined in *The Department of Municipal Affairs Act* or of sewage works to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may with the like assent renew such contract from time to time for such further term of years as the Municipal Board may approve.

R.S.O. 1950,  
c. 243, s. 308  
(1958, c. 64,  
s. 19),  
subs. 3,  
amended

**12.** Subsection 3 of section 308 of *The Municipal Act*, as re-enacted by section 19 of *The Municipal Amendment Act, 1958*, is amended by inserting after "under" in the seventeenth line "section 6 of", so that the subsection shall read as follows:

Rates for  
general  
purposes on  
residential  
and farm  
property

(3) The council of every local municipality in each year shall levy on the whole assessment for real property, except the assessment for real property mentioned in



clauses *a* and *c* of subsection 2, according to the last revised assessment roll, a sum equal to the proportion of the aggregate amount of the sums necessary for payment within the year of the sums adopted under section 311 for general purposes, not including any sums for the purposes referred to in subsection 1, that the total of the assessment for real property, except the assessment for real property mentioned in clauses *a* and *c* of subsection 2, according to the last revised assessment roll, bears to the total assessment for real property and business assessment according to such roll, less the amount of the estimated revenue from payments to be received in that year by the municipality under section 6 of *The Municipal Unconditional Grants Act, 1953*, 1953, c. 72.

**13.—**(1) Subsection 1 of section 311 of *The Municipal Act* is amended by inserting after “municipality” in the third line “including a sum sufficient to pay all debts of the corporation falling due within the year and any amounts required to be raised for sinking funds, and”, so that the subsection shall read as follows: R.S.O. 1950,  
c. 243, s. 311,  
subs. 1,  
amended

- (1) The council of every municipality shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the municipality, including a sum sufficient to pay all debts of the corporation falling due within the year and any amounts required to be raised for sinking funds, and including the sums required by law to be provided by the council for school purposes and for any board, commission or other body, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe. Yearly  
estimates  
and contents

(2) Subsection 2 of the said section 311, as amended by section 18 of *The Municipal Amendment Act, 1954*, section 2 of *The Municipal Amendment Act, 1957* and section 17 of *The Municipal Amendment Act, 1957 (No. 2)*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 243, s. 311,  
subs. 2,  
re-enacted

- (2) In preparing the estimates the council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and for uncollectable taxes and may provide for taxes which it is estimated will not

be collected during the year and for such other reserves within such limits as to type and amount as the Department may approve but shall not make any allowance for payments to be received during the current year under section 6 of *The Municipal Unconditional Grants Act, 1953*.

1953, c. 72

R.S.O. 1950,  
c. 243, s. 315,  
subs. 2  
(1951, c. 53,  
s. 13),  
amended

**14.**—(1) Subsection 2 of section 315 of *The Municipal Act*, as enacted by section 13 of *The Municipal Amendment Act, 1951*, is amended by adding at the commencement thereof "Subject to subsection 3", so that the subsection shall read as follows:

Application  
of surplus  
funds  
raised on  
debentures

(2) Subject to subsection 3, when the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows:

(a) where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable;

(b) where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause a, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly.

R.S.O. 1950,  
c. 243, s. 315,  
subs. 3  
(1958, c. 64,  
s. 21,  
subs. 2),  
amended

(2) Subsection 3 of the said section 315, as enacted by subsection 2 of section 21 of *The Municipal Amendment Act, 1958*, is amended by inserting after "the" where it occurs the first time in the first line "whole or any part of the", so that the subsection shall read as follows:

Application  
of amounts  
not required  
for purposes  
of debentures

(3) Where the whole or any part of the amount realized from the sale or hypothecation of any debentures is not required for the purpose or purposes for which the debentures were issued, it may be applied to buy back the debentures or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which if raised by taxation would be raised by taxation levied upon the assessment of the same class of ratepayers as would have been

levied



levied upon to meet the debt charges if the amount had been expended for the purpose or purposes for which the debentures were issued.

**15.** Subsection 1 of section 316 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 243, s. 316,  
subs. 1,  
re-enacted

(1) Every council shall,

Accounts,  
how to be  
kept

(a) keep a separate account of every debt;

(b) where the whole of a debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for the payment of it.

**16.** Subsection 1 of section 373 of *The Municipal Act* is amended by striking out "except such as the county is entitled to be repaid by the Province and except charges connected with coroners' inquests and constables' fees and disbursements" in the twelfth, thirteenth and fourteenth lines, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 243, s. 373,  
subs. 1,  
amended

(1) A city or a separated town shall, as part of the county for judicial purposes, so long as the county court house or jail is also that of the city or separated town, bear and pay its just share or proportion of all charges and expenses from time to time incurred for the purposes mentioned in section 21 of *The Registry Act*, and in erecting, enlarging, improving, repairing or maintaining such court house or jail, and of their proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in subsection 1 of section 371, and of all other charges relating to the administration of justice.

Liability of  
cities and  
separated  
towns for  
cost of  
erection and  
maintenance  
of court  
house, etc.  
R.S.O. 1950,  
c. 336

R.S.O. 1950,  
c. 243, s. 386,  
par. 7,  
amended

**17.**—(1) Paragraph 7 of section 386 of *The Municipal Act*, as amended by subsection 1 of section 10 of *The Municipal Amendment Act, 1953*, is further amended by adding thereto the following clauses:

- (b) A commission appointed under the provisions of this paragraph shall be a body corporate and, subject to the terms of the agreement, where the control and management of an air harbour or landing ground have been entrusted to it by the parties to the agreement, may establish an air harbour or landing ground or acquire by lease or otherwise an existing air harbour or landing ground in any municipality.
- (c) The cost of operating, maintaining and improving the air harbour or landing ground, and the establishment of hangars and other buildings and facilities, shall be borne by the municipalities as provided in the agreement.
- (d) Such an agreement shall not be for a longer period than ten years.

R.S.O. 1950,  
c. 243, s. 386,  
par. 12,  
amended

(2) Paragraph 12 of the said section 386 is amended by inserting after "water-courses" in the third line "for constructing, maintaining, repairing and improving dams" and by adding thereto the following clause:

- (b) The cost of such construction, maintaining, improving, repairing, widening, altering, diverting, stopping up and acquisition may be levied against all rateable property in the municipality, or in a defined area thereof, that in the opinion of council derives special benefit therefrom.

R.S.O. 1950,  
c. 243, s. 386,  
amended

(3) The said section 386 is amended by adding thereto the following paragraph:

Temporary  
closing of  
highway for  
repairs, etc.

- 46b. For closing temporarily any highway or portion of a highway under the jurisdiction of the municipality for any period during the construction, repairing or improvement of such highway or portion thereof.

- (a) Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

(b)

- (b) While a highway or portion thereof is so closed to traffic, there shall be erected at each end of such highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset until sunrise and at such points there shall be erected a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.
- (c) Every person who uses a highway or portion of a highway so closed to traffic does so at his own risk and the municipality having jurisdiction over the highway is not liable for any damage sustained by a person using the highway or portion thereof so closed to traffic.
- (d) Every person who without lawful authority uses a highway or portion thereof so closed to traffic while it is protected in accordance with this paragraph, or who removes or defaces any barricade, device, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 and is also liable to the municipality having jurisdiction for any damage or injury occasioned by such wrongful use, removal or defacement.

(4) The said section 386 is further amended by adding thereto the following paragraph:

R.S.O. 1950,  
c. 243, s. 386,  
amended

49b. For contributing toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act, 1957*.

Contribu-  
tions toward  
plan under  
1957, c. 46

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of the total made by the employees.
- (b) In this paragraph, "employee" means an employee as defined in paragraph 48.

(5) Clause b of paragraph 52 of the said section 386, as re-enacted by subsection 7 of section 20 of *The Municipal Amendment Act, 1957* (No. 2), is amended by inserting after

R.S.O. 1950,  
c. 243, s. 386,  
par. 52, cl. b  
(1957, c. 76,  
s. 20, subs. 7),  
amended

"acquired"

“acquired” in the first line “or established for the parking of vehicles”, so that the clause shall read as follows:

Application  
of s. 486,  
par. 7

- (b) Land acquired or established for the parking of vehicles under this paragraph and buildings and structures acquired or erected under this paragraph shall be deemed to be a highway for the purposes of paragraph 7 of section 486 and the said paragraph 7 shall apply to such land, buildings and structures.

R.S.O. 1950,  
c. 243, s. 386,  
par. 52  
(1955, c. 48,  
s. 37,  
subs. 4),  
cl. f,  
subcl. i,  
amended

- (6) Subclause i of clause f of paragraph 52 of the said section 386, as re-enacted by subsection 4 of section 37 of *The Municipal Amendment Act, 1955*, is amended by inserting after “thereof” in the fifth line “the annual rental payable under a lease or any operating deficit in the previous year”, so that the subclause shall read as follows:

Levy of  
parking lot  
cost against  
defined area

- (i) A by-law passed under the authority of this paragraph may provide, with the approval of the Municipal Board, that the capital cost thereof, or any part thereof, the annual rental payable under a lease or any operating deficit in the previous year shall be levied against the lands in a defined area in the municipality which in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
amended

- 18.—**(1) Subsection 1 of section 388 of *The Municipal Act* is amended by striking out the following:

Repeal:  
Par. 7

1. Paragraph 7, as amended by subsection 1 of section 21 of *The Municipal Amendment Act, 1957 (No. 2)*.

Par. 8

2. Paragraph 8.

Par. 8a  
(1954, c. 56,  
s. 21, subs. 1)

3. Paragraph 8a, as enacted by subsection 1 of section 21 of *The Municipal Amendment Act, 1954*.

Par. 9

4. Paragraph 9.

Par. 10  
(1951, c. 53,  
s. 16, subs. 1)

5. Paragraph 10, as re-enacted by subsection 1 of section 16 of *The Municipal Amendment Act, 1951*.

Par. 11

6. Paragraph 11, as amended by subsection 1 of section 39 of *The Municipal Amendment Act, 1955*.

Par. 12

7. Paragraph 12.



8. Paragraph 13, as amended by subsection 2 of <sup>Par. 13</sup> section 21 of *The Municipal Amendment Act, 1954*.

9. Paragraphs 14, 15, 35 and 38.

<sup>Pars. 14, 15,  
35, 38</sup>

10. Paragraph 40, as amended by subsection 4 of <sup>Par. 40</sup> section 21 of *The Municipal Amendment Act, 1957* (No. 2).

11. Paragraphs 41, 42, 43, 46, 47, 50 and 77.

<sup>Pars. 41-43,  
46, 47, 50, 77</sup>

(2) Paragraph 48 of subsection 1 of the said section 388 is <sup>R.S.O. 1950,  
c. 243, s. 383,  
subs. 1,  
par. 43,  
amended</sup> amended by striking out "the construction as to dimensions and otherwise, and for" in the first and second lines and inserting in lieu thereof "and", so that the paragraph shall read as follows:

48. For regulating and enforcing the proper cleaning <sup>Chimney  
cleaning</sup> of chimneys.

(3) Subsection 1 of the said section 388 is further amended <sup>R.S.O. 1950,  
c. 243, s. 383,  
subs. 1,  
amended</sup> by adding thereto the following paragraph:

114a. For prohibiting the carrying on or operation of a <sup>Operation  
of pits  
and  
quarries</sup> pit or quarry in any area in which the use of land is restricted to residential or commercial use by a by-law passed, or an official plan adopted, before the 1st day of January, 1959, provided no by-law passed under this paragraph shall come into force until approved by the Municipal Board or shall apply to a pit or quarry made or established before the 1st day of January, 1959, except to prohibit the enlargement or extension of any such pit or quarry beyond the limits of the land owned and used in connection therewith on the 1st day of January, 1959.

(4) Paragraph 121 of subsection 1 of the said section 388, <sup>R.S.O. 1950,  
c. 243, s. 383,  
subs. 1,  
par. 121,  
amended</sup> as amended by subsection 7 of section 29 of *The Municipal Amendment Act, 1958*, is further amended by inserting after "owners" in the first line "or operators", so that the paragraph, exclusive of the clause, shall read as follows:

121. For licensing and regulating the owners or operators <sup>Public  
garages,  
licensing,  
etc.</sup> of public garages, and for fixing the fees for such licences, and for revoking such licences, and for imposing penalties for breaches of such by-law and for the collection thereof.

R.S.O. 1950,  
c. 243,  
s. 389 (1957,  
c. 76, s. 22),  
subs. 1,  
cl. d,  
repealed

**19.** Clause *d* of subsection 1 of section 389 of *The Municipal Act*, as re-enacted by section 22 of *The Municipal Amendment Act, 1957 (No. 2)*, is repealed.

R.S.O. 1950,  
c. 243, s. 390,  
repealed

**20.** Section 390 of *The Municipal Act*, as amended by section 17 of *The Municipal Amendment Act, 1951*, section 13 of *The Municipal Amendment Act, 1953*, section 40 of *The Municipal Amendment Act, 1955*, section 16 of *The Municipal Amendment Act, 1956*, section 23 of *The Municipal Amendment Act, 1957 (No. 2)* and section 31 of *The Municipal Amendment Act, 1958*, is repealed.

R.S.O. 1950,  
c. 243, s. 405,  
amended

**21.** Section 405 of *The Municipal Act*, as amended by section 27 of *The Municipal Amendment Act, 1957 (No. 2)*, is further amended by adding thereto the following paragraph:

Addition to  
collector's  
roll of dues  
of members  
of farm  
organizations

4b. For authorizing the annual dues of members of any farm organization approved by the Minister of Agriculture to be entered in the collector's roll and collected in the same manner as taxes.

(a) A by-law under this paragraph applies only where the annual dues for all members of the farm organization are uniform.

(b) A by-law under this paragraph shall remain in force until amended or repealed and it shall not be necessary to pass such by-law annually.

(c) Upon receipt by the clerk of the township, before the certification of the collector's roll, of written notice from a member of such a farm organization instructing that the annual dues of such member be collected in the same manner as taxes for which he is liable, the dues of such member shall be entered in the collector's roll in a special column designated by the name of the farm organization.

(d) A member who has given a notice under clause *c* may by similar notice require the clerk of the township to discontinue the collection of dues.

(e) Such dues shall not form a charge upon land or be subject to a penalty for non-payment.

(f) The treasurer of the township shall deposit the dues collected in a special account or accounts and shall from time to time pay such dues to the treasurer of the proper farm organization.



**22.** Subsection 1 of section 417 of *The Municipal Act*, as re-enacted by section 29 of *The Municipal Amendment Act, 1957 (No. 2)*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 243, s. 417,  
subs. 1  
(1957, c. 76,  
s. 29),  
re-enacted

- (1) The council of a municipality may pass by-laws for paying the members of the council for attendance at meetings of council, or of its committees, at the following rates:

Daily  
remunera-  
tion of  
councillors

- (a) in the case of a county, at a rate not exceeding \$20 a day;
- (b) in the case of a local municipality having a population of 120,000 or more, at a rate not exceeding \$30 a day;
- (c) in the case of a local municipality having a population of 20,000 or more but under 120,000, at a rate not exceeding \$25 a day;
- (d) in the case of a local municipality having a population of 10,000 or more but under 20,000, at a rate not exceeding \$20 a day;
- (e) in the case of a local municipality having a population of under 10,000, at a rate not exceeding \$16 a day.

**23.** Section 418 of *The Municipal Act*, as re-enacted by section 30 of *The Municipal Amendment Act, 1957 (No. 2)*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 243, s. 418  
(1957, c. 76,  
s. 30),  
re-enacted

- 418.—(1) The council of a local municipality may pass by-laws for paying the members of council an annual allowance at the following rates:

Annual re-  
muneration  
of councillors  
of local  
municipali-  
ties

- (a) where the population exceeds 300,000, an annual allowance not exceeding \$4,000;
- (b) where the population exceeds 200,000 but is less than 300,000, an annual allowance not exceeding \$3,500;
- (c) where the population exceeds 120,000 but is less than 200,000, an annual allowance not exceeding \$3,000;
- (d) where the population exceeds 20,000 but is less than 120,000, an annual allowance not exceeding \$1,500;

(e)

(e) where the population exceeds 10,000 but is less than 20,000, an annual allowance not exceeding \$1,000;

(f) where the population exceeds 5,000 but is less than 10,000, an annual allowance not exceeding \$750;

(g) where the population is 5,000 or under, an annual allowance not exceeding \$350.

of counties

(2) The council of a county may pass by-laws for paying the members of council an annual allowance not exceeding \$1,000.

of chairmen

(3) The council of a municipality may pass by-laws for paying, in addition to the amounts set out in subsections 1 and 2, an annual allowance not exceeding \$200 to each chairman of a standing committee and to the chairman of the court of revision and of the local board of health.

Deduction  
for absence

(4) Every by-law passed under subsection 1 shall provide for the deduction from the annual allowance of a reasonable sum to be fixed by the council for each day's absence from ordinary meetings and may provide that, where a councillor is absent from the municipality in the performance of his duties as councillor or by reason of his illness or a death in the family, the council, by resolution, may provide that no deduction from his annual allowance shall be made in respect of such absence.

R.S.O. 1950,  
c. 243,  
amended

**24.** *The Municipal Act* is amended by adding thereto the following section:

Notice of  
excavating  
on highway  
to gas  
company

448a. Where digging, trenching or excavating with mechanical equipment upon a highway by a municipality or any person entitled so to do may interfere with a gas pipe line, the municipality shall, except in an emergency or unless otherwise agreed between the municipality and the owner of a pipe line, at least twenty-four hours before the work is to be commenced, notify the owner of the gas pipe line that such digging, trenching or excavating is to be done.

1958, c. 65,  
s. 3,  
repealed

**25.** Section 3 of *The Municipal Amendment Act, 1958* (No. 2) is repealed.

**26.** Section 262 of *The Municipal Act* does not apply to any undertaking, work, project, scheme, act, matter or thing that is approved by the Minister of Municipal Affairs in respect of the federal-provincial programme to assist municipal works and to stimulate employment during the winter months.

**27.** Every municipality, including The Municipality of Metropolitan Toronto, shall be deemed to have had authority to pass by-laws for making grants to persons who or whose property suffered injury or damage through the disaster at Colliery No. 2 of the Dominion Steel and Coal Corporation Mine at Springhill, Nova Scotia, on or about the 23rd day of October, 1958, and to relief committees established to assist such persons.

**28.**—(1) This Act, except sections 1, 6, 7, 8, 9, 10, 12, 13, 15 and 16, subsections 4, 5 and 6 of section 17, and sections 19, 22, 23, 24 and 26, comes into force on the day it receives Royal Assent.

(2) Section 26 shall be deemed to have come into force on the 1st day of January, 1958.

(3) Sections 1, 6, 7, 8, 9, 10, 12, 13 and 16, subsections 4, 5 and 6 of section 17, and sections 19, 22 and 23 shall be deemed to have come into force on the 1st day of January, 1959.

(4) Section 15 comes into force on the 1st day of January, 1960.

**29.** This Act may be cited as *The Municipal Amendment Act, 1959*.



## CHAPTER 63

**An Act to amend  
The Municipal Franchise Extension Act, 1958**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of subsection 2 of section 1 of *The Municipal Franchise Extension Act, 1958* is repealed and the following substituted therefor: 1958, c. 66,  
s. 1, subs. 2,  
cl. *a*,  
re-enacted

(*a*) is or will be of the full age of twenty-one years on or before the 1st day of October in the year in which the resident voters' list is to be prepared.

(2) Clause *c* of subsection 2 of the said section 1 is repealed and the following substituted therefor: 1958, c. 66,  
s. 1, subs. 2,  
cl. *c*,  
re-enacted

(*c*) has resided in the municipality for the last twelve months next preceding the 1st day of January of the year in which the resident voters' list is to be prepared.

**2.** Section 3 of *The Municipal Franchise Extension Act, 1958* is repealed and the following substituted therefor: 1958, c. 66,  
s. 3,  
re-enacted

**3.**—(1) The names of the persons entitled to be entered on the resident voters' list shall be obtained by the assessor during the taking of the assessment in the year. Preparation  
of list

(2) The assessor shall call at least once at every place of residence in the municipality and shall secure the names and addresses of all persons who are entitled to be entered on the resident voters' list. Duties of  
assessor

(3) The assessor shall take all necessary precautions to ensure that his list, when complete, contains the names and addresses of persons entitled to be entered on the resident voters' list that he has been able to

obtain

obtain and does not contain the name of any person not so entitled and he shall deliver such list to the clerk of the municipality not later than the day fixed for the return of the assessment roll.

Registration  
form

- (4) Where the assessor is unable to obtain the required information at any place of residence, he shall leave such number of Form 1 as he deems necessary at such place of residence.

Filing of  
registration  
form

- (5) When the name and address of any person entitled to be entered on the resident voters' list cannot be obtained by the assessor, such person may complete Form 1 and file it with the clerk of the municipality not later than the day fixed for the return of the assessment roll.

1958, c. 66,  
s. 4,  
amended

**3.** Section 4 of *The Municipal Franchise Extension Act, 1958* is amended by striking out "enumerator's list and the Forms filed with him under subsection 7" in the second and third lines and inserting in lieu thereof "assessor's list and the Forms filed with him under subsection 5", so that the section shall read as follows:

List to be  
prepared  
by clerk

4. The clerk of the municipality shall prepare the resident voters' list from the assessor's list and the Forms filed with him under subsection 5 of section 3 by listing the names and addresses appearing thereon, except those that also appear on the voters' list prepared under *The Voters' Lists Act, 1951*, in the same order as in such voters' list and, where the municipality is divided into polling subdivisions, shall prepare a separate list for each subdivision.

1951, c. 93

1958, c. 66,  
s. 9,  
amended

**4.** Section 9 of *The Municipal Franchise Extension Act, 1958* is amended by inserting after "statement" in the first and second lines "to an assessor or", so that the section shall read as follows:

Offence,  
untrue  
statements

9. Every person who knowingly makes an untrue statement to an assessor or in any form under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100.

1958, c. 66,  
Form 1,  
re-enacted

**5.** Form 1 of *The Municipal Franchise Extension Act, 1958* is repealed and the following substituted therefor:



FORM 1

Section 3 (4, 5)

THE MUNICIPAL FRANCHISE EXTENSION ACT, 1958

Municipality.....

Polling Subdivision No.....

I, the undersigned, hereby request that my name be entered in the resident voters' list and certify that the information given herein is correct.

Full name.....

Present address.....

Are you a British subject? .....

Are you or will you be 21 years of age or over on or before the 1st day of October (*insert year*)? .....

Have you resided in ..... (*name of municipality*) for the last twelve months next preceding the 1st day of January (*insert year*)?.....

.....  
Date Signature

NOTE : If you wish your name entered on the resident voters' list, this form must be filed with the municipal clerk not later than (*insert the day fixed for the return of the assessment roll*).

6. Item 3 of Form 2 of *The Municipal Franchise Extension Act, 1958* is amended by striking out "date of the commencement of the enumeration for this election" in the third line and inserting in lieu thereof "1st day of January (*insert year*)", so that the item shall read as follows:

3. That you have resided in ..... (*name of municipality*) for the last twelve months next preceding the 1st day of January (*insert year*) and that you reside in such municipality on the day of polling.

7. This Act shall be deemed to have come into force on the 1st day of January, 1959.

8. This Act may be cited as *The Municipal Franchise Extension Amendment Act, 1959*.



## CHAPTER 64

**An Act to amend  
The Municipal Unconditional Grants Act, 1953**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Municipal Unconditional Grants Act, 1953* is <sup>1953, c. 72,</sup> amended by adding thereto the following section:

6b.—(1) In this section, “statutory payments” means <sup>Statutory payments defined</sup> the total amount of the payments for charges for treatment of indigent persons and dependants of indigent persons in a hospital required to be made by a municipality with respect to any year by sections 18 and 27 of *The Public Hospitals Act, 1957* or the <sup>1957, c. 98</sup> predecessors of such sections less the total of the amounts recovered by the municipality in respect of such payments under sections 29 and 30 of that Act or the predecessors of such sections.

(2) In the year 1959, there shall be paid out of the moneys appropriated therefor by the Legislature <sup>Grants re indigent hospitalization</sup> to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant be less than 70 per cent of the statutory payments made by the municipality with respect to the year 1959.

**2.** This Act shall be deemed to have come into force on the <sup>Commence-  
ment</sup> 1st day of January, 1959.

**3.** This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1959*. <sup>Short title</sup>



## CHAPTER 65

# An Act to amend The Municipality of Metropolitan Toronto Act, 1953

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following clause: 1953, c. 73, s. 1, amended

(cc) "debt" includes obligation for the payment of money.

2. Clause *b* of subsection 1 of section 16 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at 1953, c. 73, s. 16, subs. 1, cl. b, amended the commencement thereof "when a recorded vote is requested by a member", so that the clause shall read as follows:

(b) when a recorded vote is requested by a member, to record the name and vote of every member voting on any matter or question.

3. Subsection 1 of section 93 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "new 1953, c. 73, s. 93, subs. 1, amended metropolitan road established under section 85" in the third line and inserting in lieu thereof "metropolitan road", so that the subsection shall read as follows:

(1) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law designate Controlled-access roads any metropolitan road, or any portion thereof, as a metropolitan controlled-access road.

4. Section 94 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor: 1953, c. 73, s. 94, re-enacted

94.—(1) The Metropolitan Corporation may pass by-laws Private roads, etc., opening upon metropolitan controlled-access road prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a metropolitan controlled-access road and may impose penalties for contravention of any such by-law.

## Notice

- (2) The Metropolitan Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a metropolitan controlled-access road in contravention of a by-law passed under subsection 1.

## Service of notice

- (3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

## Failure to comply with notice

- (4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Metropolitan Corporation may by resolution direct any officer, employee or agent of the municipality to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, gate or other structure or facility as required by the notice.

## Offence and penalties

- (5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence.

## Compensation

- (6) Where a notice given under subsection 2 has been complied with, the Metropolitan Corporation shall make due compensation to the owner of the land if the private road, entranceway, gate or other structure or facility constructed or used as a means of access to a metropolitan controlled-access road was constructed or used, as the case may be,
- (a) before the day on which the by-law designating the road as a metropolitan controlled-access road became effective; or
  - (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

## Procedure

- (7) Every claim for such compensation shall be determined in accordance with subsections 2 to 6 of section 11 of *The Highway Improvement Act, 1957* which subsections apply *mutatis mutandis*.



5. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73,  
amended by adding thereto the following section: amended

96b. The Metropolitan Council may contribute such Contribution  
amount as the Metropolitan Council deems proper towards  
as its share of the cost of maintenance of the part maintenance  
of the Malton Road in the County of Peel extending of Malton  
thereby assuming the liability of The Corporation Road  
of the City of Toronto under an agreement dated  
July 2, 1943, but not to exceed 25 per cent of the  
annual maintenance costs of such part of the road.

6. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73,  
amended by adding thereto the following section: amended

105a. No further investment in the capital stock of Gray Capital  
Coach Lines, Limited shall be made by the Toronto stock of  
Transit Commission, nor shall the capitalization of Gray Coach  
Gray Coach Lines, Limited hereafter be increased Lines  
until the consent of the Metropolitan Council is  
first obtained thereto.

7. Clause *j* of subsection 1 of section 126 of *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73,  
amended by adding s. 126,  
thereto the following subclause: subs. 1,  
cl. j,  
amended

(iv) expenditures to be made out of current funds for  
permanent improvements the cost of which would  
otherwise be raised by the issue of debentures under  
sections 132 and 133, such expenditures not to  
exceed,

A. a sum calculated at one-half mill in the dollar  
upon the total assessment in the Metropolitan  
Area for secondary school purposes and one-  
half mill in the dollar upon the total assess-  
ment in the Metropolitan Area for public  
school purposes according to the last revised  
assessment rolls, and

B. for any particular permanent improvement,  
that portion of the cost thereof which, if the  
improvement had been financed by the issue  
of debentures under section 133, would have  
been met by levies against all the area muni-  
cipalities.

8. Section 127 of *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73,  
amended by inserting after "of" in the fourth line s. 127,  
"subsection 1 of" and by striking out "subclause iii" in the amended

fifth line and inserting in lieu thereof "subclauses iii and iv", so that the section shall read as follows:

Payment  
by Metro-  
politan  
Corporation

127. The Metropolitan Corporation shall pay to the School Board, in monthly instalments, the moneys required by the School Board as shown in its estimates submitted under clause *j* of subsection 1 of section 126, except the moneys required for the purposes of subclauses iii and iv of the said clause.

1953, c. 73,  
s. 175*b*  
(1956, c. 53,  
s. 18),  
amended

9. Section 175*b* of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by adding thereto the following subsection:

Grants  
to area  
municipalities

R.S.O. 1950,  
c. 279

- (3) Notwithstanding subsection 2, any area municipality making payments under subsection 7 of section 175*j* may be paid a grant under Part III of *The Police Act*.

1953, c. 73,  
s. 190,  
subs. 1,  
cl. *b*,  
re-enacted

10. Clause *b* of subsection 1 of section 190 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

- (*b*) for payment of all debts of the Metropolitan Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Metropolitan Corporation is liable under this Act.

1953, c. 73,  
s. 190*a*  
(1957, c. 81,  
s. 46),  
subs. 4,  
cl. *a*,  
subcl. iii,  
amended

11. Subclause iii of clause *a* of subsection 4 of section 190*a* of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 46 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is amended by inserting after "lands" in the second line "other than railway lands actually in use for residential and farming purposes", so that the subclause shall read as follows:

- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies.

1953, c. 73,  
amended

12. *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "Debentures" in the heading preceding section 193 and in the sidenote opposite subsection 1 of section 193 respectively and inserting in lieu thereof "Debt".

**13.** Subsection 1 of section 194 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor: 1953, c. 73, s. 194, subs. 1, re-enacted

- (1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Metropolitan Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 193 of this Act and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Metropolitan Area. Power to incur debt or issue debentures R.S.O. 1950, c. 262

**14.**—(1) Subsection 1 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 21 of *The Municipality of Metropolitan Toronto Amendment Act, 1958*, is repealed. 1953, c. 73, s. 197, subs. 1, repealed

(2) Subsection 2 of the said section 197, as amended by subsection 1 of section 21 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is further amended by striking out “the by-law” in the first line and inserting in lieu thereof “a money by-law for the issuing of debentures”, so that the subsection shall read as follows: 1953, c. 73, s. 197, subs. 2, amended

- (2) Subject to subsection 2a, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(3) Subsection 2a of the said section 197, as enacted by subsection 2 of section 21 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is amended by striking out “The by-law” in the first line and inserting in lieu thereof “A money by-law for the issuing of debentures”, so that the subsection shall read as follows: 1953, c. 73, s. 197, subs. 2a (1955, c. 50, s. 21, subs. 2), amended

- (2a) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. Sinking fund debentures

(4) Subsection 11 of the said section 197 is amended by adding at the end thereof “and the debentures may bear date before the date the by-law is passed if the by-law provides 1953, c. 73, s. 197, subs. 11, amended

for the first levy being made in the year in which the debentures are dated or in the next succeeding year", so that the subsection shall read as follows:

Idem

- (11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9, and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

1953, c. 73,  
s. 202,  
subs. 1,  
amended

**15.**—(1) Subsection 1 of section 202 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "shall" in the second line and inserting in lieu thereof "may", so that the subsection shall read as follows:

Money  
by-laws  
may be  
registered

- (1) Within four weeks after the passing of a money by-law, the clerk of the Metropolitan Corporation may register a duplicate original or a copy of it, certified under his hand and the seal of the Metropolitan Corporation, in the Registry Office for the Registry Division of the City of Toronto.

1953, c. 73,  
s. 202,  
subss. 2, 3,  
repealed

- (2) Subsections 2 and 3 of the said section 202 are repealed.

1953, c. 73,  
s. 202,  
subs. 4,  
amended

(3) Subsection 4 of the said section 202 is amended by striking out "to which subsection 3 applies" in the seventh line and inserting in lieu thereof "passed under *The Municipal Drainage Act* or *The Local Improvement Act*", so that the subsection shall read as follows:

Application  
to quash  
registered  
by-law,  
when to  
be made  
R.S.O. 1950,  
cc. 262,  
246, 215

- (4) Subject to section 64 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Municipal Drainage Act* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.



**16.** Subsection 1 of section 209 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 22 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is repealed and the following substituted therefor:

(1) The Metropolitan Council shall,

Accounts,  
how to be  
kept

- (a) keep a separate account of every debt;
- (b) where the whole of the debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

**17.** Section 214a of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 25 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is amended by striking out "\$100,000" in the second line and inserting in lieu thereof "\$125,000", so that the section shall read as follows:

214a. The Metropolitan Corporation may make expenditures not exceeding \$125,000 in any one year for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Expenditures  
for  
diffusing  
information

**18.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following sections:

1953, c. 73,  
amended

214f. The Metropolitan Council may make a grant to the House of Providence Building Fund to assist in providing a new building for the Sisters of St. Joseph for the aid of the poor, the aged and the needy in

Grant to  
House of  
Providence  
Building  
Fund

the

the amount of \$500,000 to be paid in five annual instalments of \$100,000 each, the first instalment to be paid during the year in which construction of the new building is commenced.

Grant to  
Ontario  
Society for  
Crippled  
Children

- 214g. The Metropolitan Council, with the approval of the Lieutenant-Governor in Council, may make a grant to the building fund campaign of the Ontario Society for Crippled Children.

1953, c. 73,  
s. 219,  
amended

**19.** Section 219 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Metropolitan  
Corporation  
and area  
municipalities not  
deemed  
tenants  
R.S.O. 1950,  
c. 24

- (2) For the purposes of paragraph 9 of section 4 of *The Assessment Act*, where property belonging to the Metropolitan Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Metropolitan Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

1953, c. 73,  
amended

**20.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Passing on  
right on  
highways  
in Metro-  
politan  
Area  
R.S.O. 1950,  
c. 167

- 226c. For the purposes of subsection 5a of section 41 of *The Highway Traffic Act*, the Metropolitan Area shall be deemed to be a city.

Conveyance  
of lands  
authorized

**21.**—(1) Notwithstanding any trusts or conditions limiting the use of the lands conveyed to The Corporation of the City of Toronto by the executors of the last will and testament and codicil of Sir Edmund Boyd Osler, by a deed dated the 30th day of June, 1926, and registered in the Registry Office for the Registry Division of the City of Toronto as Instrument No. 6767 E.M., to the purposes of a public park or garden only for the free use, benefit and enjoyment of the citizens of the City of Toronto forever, The Corporation of the City of Toronto may convey to the Metropolitan Corporation any part or parts of such lands required for the establishment, laying out and construction of a public highway in the Don Valley north of Bloor Street.

Vesting of  
title free  
of trusts

(2) The deed executed by The Corporation of the City of Toronto shall vest in the Metropolitan Corporation a full and absolute title to the lands conveyed by such deed, free from all trusts and conditions whatsoever contained in the deed referred to in subsection 1.



**22.** The Toronto Police Benefit Fund is hereby dissolved. <sup>Dissolution  
of Fund</sup>

**23.**—(1) This Act, except sections 1, 5, 7, 8, 9, 10, 11, 12, <sup>Commence-  
ment</sup> 13, 14, 15, 16 and 19, comes into force on the day it receives Royal Assent.

(2) Section 9 shall be deemed to have come into force on <sup>Idem</sup> the 1st day of January, 1957.

(3) Sections 1, 5, 7, 8, 10, 11, 12, 13, 14, 15 and 19 shall <sup>Idem</sup> be deemed to have come into force on the 1st day of January, 1959.

(4) Section 16 comes into force on the 1st day of January, <sup>Idem</sup> 1960.

**24.** This Act may be cited as *The Municipality of Metro-* <sup>Short title</sup>  
*politan Toronto Amendment Act, 1959.*



## CHAPTER 66

**An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund***Assented to March 26th, 1959**Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act, 1954* for the purpose of such payment, shall not exceed in the aggregate \$225,000,000. Loans up to \$225,000,000 authorized 1954, c. 30

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

**2.** Any such sum or sums may be raised in any manner provided by *The Financial Administration Act, 1954* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Idem

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1959*.

## CHAPTER 67

**An Act to amend  
The Ontario Municipal Board Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *j* of subsection 1 of section 56 of *The Ontario Municipal Board Act* is amended by inserting after "water" in the third line "or sewage service", so that the clause shall read as follows: R.S.O. 1950.  
c. 262, s. 56,  
subs. 1, cl. j,  
amended

(*j*) to hear and determine the application of any municipality to confirm, vary or fix the rates charged or to be charged in connection with water or sewage service supplied thereto by any other municipality. supply of  
water or  
sewage  
service

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1959*. Short title





## CHAPTER 68

**An Act to amend  
The Ontario Parks Integration Board Act, 1956**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 1 of *The Ontario Parks Integration Board Act, 1956* is amended by inserting after "Com-<sup>1956, c. 61,  
s. 1, subs. 2,  
amended</sup> mission" in the third line "or a vice-chairman of that Commission designated by the Commission", so that the subsection shall read as follows:

- (2) The Board shall be composed of the chairman of <sup>Composition</sup> The Niagara Parks Commission, the chairman of The Ontario-St. Lawrence Development Commission or a vice-chairman of that Commission designated by the Commission, the Treasurer of Ontario, the Minister of Lands and Forests, the Minister of Planning and Development and their successors in office from time to time.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Ontario Parks Integration* <sup>Short title</sup> *Board Amendment Act, 1959.*



## CHAPTER 69

## An Act to amend The Ontario-St. Lawrence Development Commission Act, 1955

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 2 of *The Ontario-St. Lawrence Development Commission Act, 1955*, as amended by section 2 of *The Ontario-St. Lawrence Development Commission Amendment Act, 1958*, is further amended by striking out "eleven" in the amendment of 1958 and inserting in lieu thereof "fifteen", so that the subsection shall read as follows:

- (1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of The Ontario-St. Lawrence Development Commission, consisting of not less than three and not more than fifteen members, of whom one shall be chairman and two shall be vice-chairmen.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1959*.





## CHAPTER 70

# An Act to amend The Ontario Water Resources Commission Act, 1957

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Ontario Water Resources Commission Act, 1957* is amended by striking out "continue" <sup>1957, c. 88, s. 3, subs. 1, amended</sup> to be composed of not fewer than three and not more than five" in the fourth, fifth and sixth lines and inserting in lieu thereof "be composed of not fewer than three and not more than seven", so that the subsection shall read as follows:

- (1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Resources Commission Act, 1956* is continued <sup>Commission continued</sup> and shall be composed of not fewer than three and not more than seven persons as the Lieutenant-Governor in Council from time to time determines. <sup>1956, c. 62</sup>

2.—(1) Section 42 of *The Ontario Water Resources Commission Act, 1957* is amended by adding thereto the following <sup>1957, c. 88, s. 42, amended</sup> subsection:

- (3a) A municipality may pay and the Commission may <sup>Prepayment</sup> accept, in advance of the time that it would otherwise be payable, any sum in respect of any sum mentioned in section 40.

(2) Subsection 5 of the said section 42, as re-enacted by <sup>1957, c. 88, s. 42, subs. 5</sup> section 14 of *The Ontario Water Resources Commission Amendment Act, 1958*, is repealed and the following substituted <sup>(1958, c. 77, s. 14), re-enacted</sup> therefor:

- (5) For the purpose of meeting the periodic payments <sup>Municipalities may raise moneys for agreements</sup> to the Commission under an agreement, a municipality may raise money by any method or methods authorized by law or by any combination thereof

as if the municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

1957, c. 88,  
s. 44,  
amended

**3.** Section 44 of *The Ontario Water Resources Commission Act, 1957* is amended by adding thereto the following subsection:

Discharge  
of indebted-  
ness to  
Province

(5) Notwithstanding any other provision of this Act, the Commission may at any time, with the consent of the Treasurer of Ontario, pay any sum out of the Commission Debt Retirement Account to the Province in payment or part payment of any sums owing to the Province by the Commission so long as the total amount so paid in any year does not exceed the total amount borrowed by the Commission from the Province in that year.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1959*.

## CHAPTER 71

## An Act to amend The Planning Act, 1955

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 11 of *The Planning Act*, 1955, c. 61, s. 11, subs. 2, 1955 is repealed and the following substituted therefor: re-enacted

(2) The council of the designated municipality may adopt the plan by by-law. Adoption of plan

(2) Subsection 3 of the said section 11 is amended by striking out "a vote of the majority of all its members" in the third and fourth lines and inserting in lieu thereof "by-law", so that the subsection, exclusive of the clauses, shall read as follows: 1955, c. 61, s. 11, subs. 3. amended

(3) In the case of a joint planning area, the council of any other municipality within or partly within the planning area may adopt the plan by by-law. Adoption by other municipality

2.—(1) Section 17 of *The Planning Act*, 1955 is repealed and the following substituted therefor: 1955, c. 61, s. 17, re-enacted

17.—(1) If a municipality has an official plan which has been implemented by one or more by-laws of the municipality, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council deems advisable. Establishment of committees of adjustment

(2) In subsection 3, employee does not include teachers employed by a board of education or school board. Interpretation

(3) Every appointment to a committee of adjustment is subject to the approval of the Minister, but in no Appointment subject to approval

event shall a member of the council of the municipality or an employee of the municipality or of a local board thereof be eligible for appointment.

Term of  
office

- (4) Appointments to the committee shall be for a term of three years, except that on the first appointment the council shall designate members who shall hold office,
- (a) until the 1st day of January of the year following the date of appointment;
  - (b) until the 1st day of January of the second year following the date of appointment; and
  - (c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year.

Idem

- (5) Members of the committee shall hold office until their successors are appointed and approved, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term.

Quorum

- (6) A majority of the members of the committee shall constitute a quorum.

Vacancy not  
to impair  
powers

- (7) Subject to subsection 6, a vacancy in the membership or the absence or inability of a member to act shall not impair the powers of the committee or of the remaining members.

Chairman

- (8) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent, through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*.

Employees

- (9) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose.

- (10) The members of the committee shall be paid such compensation as the council may provide. Remuneration
- (11) The secretary-treasurer shall keep on file in his office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 234 of *The Municipal Act* applies *mutatis mutandis* to such documents. Filing of documents, etc.  
R.S.O. 1950, c. 243
- (12) The committee shall adopt such rules of procedure as are approved by the Minister and no committee shall hear or determine any matter unless such rules have heretofore been or are hereafter so adopted and approved and such rules may be amended with the approval of the Minister. Rules of procedure
- (13) The Minister may require a committee to amend or revise its rules of procedure and, if the committee fails to comply with such requirement within the time limited by the Minister, it shall be without jurisdiction to hear or determine any matter until its rules are amended or revised as approved by the Minister. Revision of rules of procedure

(2) Committees of adjustment heretofore constituted by a planning board may continue to function for a period of not longer than one year from the date this Act comes into force unless sooner replaced by a committee of adjustment constituted by the council of the municipality under subsection 1 of section 17 of *The Planning Act, 1955*, as re-enacted by subsection 1. Committees heretofore constituted by planning board

**3.** Subsection 8 of section 18 of *The Planning Act, 1955* is amended by striking out "all the members of the committee" in the second and third lines and inserting in lieu thereof "the members of the committee that heard the application", so that the subsection shall read as follows: 1955, c. 61, s. 18, subs. 8, amended

- (8) No decision of the committee on an application shall be valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for its decision, and shall be signed by the members who concur in the decision. Decision

**4.—**(1) Subsection 5 of section 26 of *The Planning Act, 1955* is amended by striking out "The Minister may impose as a condition to the approval of a plan of subdivision" in the first and second lines and inserting in lieu thereof "The 1955, c. 61, s. 26, subs. 5, amended



Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are advisable and, in particular but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition" and by adding thereto the following clause:

- (d) that the owner of the land enter into one or more agreements with the municipality dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

1955, c. 61,  
s. 26,  
amended

(2) The said section 26 is amended by adding thereto the following subsections:

Subdivision  
agreements

- (5a) Every municipality may enter into agreements imposed as a condition to the approval of a plan of subdivision.

Reference

- (5b) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister or by the municipality, as the case may be, he or it may, at any time before the plan of subdivision is approved, require the matter to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister in which case the matter shall be deemed to be referred to the Board under section 29.

Agreements  
validated

(3) Every municipality shall be deemed to have always had authority to enter into agreements imposed as a condition to the approval of a plan of subdivision and all such agreements entered into before this section comes into force are hereby validated and confirmed and declared to be legal, valid and binding.

1955, c. 61,  
amended

5. *The Planning Act, 1955* is amended by renumbering Part III as Part IV and by adding thereto the following Part:

### PART III

#### RESTRICTED AREA AND BUILDING BY-LAWS

Restricted  
area  
by-laws

27a.—(1) By-laws may be passed by the councils of municipalities:

Restricting  
use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.



2. For prohibiting the erection or use of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway. Restricting erection or use of buildings
3. For prohibiting the erection of a building or structure for residential or commercial purposes on land that is subject to flooding or on land where, by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive. Marshy lands
4. For regulating the cost or type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures to be erected within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy. Construction of buildings and structures
5. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. Loading space
6. For prohibiting the making or establishment of pits and quarries within the municipality or within any defined area or areas thereof. Pits and Quarries

(2) Any by-law passed under this section may prohibit or regulate all or any of the matters mentioned in subsection 1. Scope of by-law

(3) Where an official plan is in effect in a municipality or a part thereof, a by-law passed under this section may include a provision that no land, building or structure shall be used in the area covered by the by-law for such commercial or industrial purposes as are likely to create danger to health or danger from fire or explosion and as are specified in the by-law, without the approval in writing, Uses for hazardous purposes

(a) of the committee of adjustment constituted under section 17; or

(b) where no such committee has been established, of the planning board,

and,

and, where a by-law includes such provision, the committee or board shall give one copy of its written decision upon any application for approval to the applicant and shall file one copy with the clerk of the municipality, and, where the committee or board has refused to grant any such application, it shall, upon the request of the applicant, refer the matter to the Municipal Board, which Board may grant or refuse such approval and its decision shall be final and binding.

Certificates  
of occupancy

(4) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.

Use of  
maps

(5) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition  
and dis-  
position of  
non-con-  
forming  
lands

(6) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.

Excepted  
lands and  
buildings

(7) No by-law passed under this section shall apply,

- (a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or
- (b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure the plans for which have, prior to the day of the passing of the by-law, been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the day of the passing of the by-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

(8) Where the boundary between two local municipalities is a highway and the council of one only of the municipalities, as to lands abutting on the highway, has passed a by-law for any purpose mentioned in subsection 1 and, for three months after request by the council of such municipality, the council of the other municipality neglects or fails to pass or to take effective proceedings to pass a corresponding by-law, the council of the first-mentioned municipality may apply to the Municipal Board for an order, which the Municipal Board shall have power to make, declaring that after a date to be named in the order the by-law of the first-mentioned municipality shall apply to the lands abutting on both sides of the boundary highway to the same extent in area for the same purpose and as fully and effectually as if all such abutting lands were described in the by-law and were within the first-mentioned municipality, and, if and when such order is made and becomes effective, the by-law shall be construed and may be enforced accordingly.

Restrictions  
on boundary  
highways

(9) No part of any by-law passed under this section shall come into force without the approval of the Municipal Board, and such approval may be for a limited period of time only, and the Board may extend such period from time to time upon application made to it for such purpose.

Approval by  
Municipal  
Board

(10) No part of any by-law that repeals or amends a by-law passed under this section or a predecessor of this section and approved by the Municipal Board shall come into force without the approval of the Municipal Board.

Repeal or  
amendment

(11) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section.

Notice of  
application

(12) Where a by-law passed under this section applies to land abutting on the King's Highway or on a highway under the jurisdiction of a county council, the council which passed the by-law shall give to the Department of Highways or to the clerk of the county council, as the case may be, notice of its intention to apply to the Municipal Board for approval of the by-law.

Notice of  
application  
when King's  
Highway or  
county  
highway  
affected

(13) Where a by-law passed under this section applies to land abutting on a boundary between the municipality which passed the by-law and another local municipality, the council which passed the by-law shall give,

Notice of  
application  
when lands  
in adjoining  
municipality  
affected

(a) to the clerk of the other municipality;

(b)

(b) to the secretary of the planning board, if any, of the other municipality; and

(c) to each owner of land in the other municipality abutting on the land to which the by-law applies,

notice of its intention to apply to the Municipal Board for approval of the by-law.

Application  
to state  
whether  
official  
plan in  
effect

(14) Every application to the Municipal Board for approval of a by-law passed under this section shall state whether or not the land affected by the by-law is covered by an official plan.

Amendment  
of by-law  
pending  
approval

(15) Where, after an adjournment of the hearing of an application for approval of any by-law passed under this section and prior to the final hearing of the application, the by-law is amended, the Municipal Board may direct that notice of the application for approval of the amended by-law be given in such manner and to such persons as the Municipal Board may direct or may dispense with such notice, and may approve the amended by-law.

Extent of  
approval

(16) The Municipal Board may approve any such by-law in whole or in part and as to the whole or any part of any land, area or highway therein defined, and the Municipal Board may have regard to the restrictions on any land adjacent to such land, area or highway.

When  
approval  
effective

(17) Such approval shall not become effective until the issue by the Municipal Board of its formal order thereof.

Extension or  
enlargement

1941, c. 35

(18) Notwithstanding any other provision of this section, any by-law passed under this section or a predecessor of this section or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941* may, with the approval of the Municipal Board, be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Appeal

(19) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section, or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal



to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

(20) Where an application has been made to the Municipal Board for the approval of a by-law passed under this section, a copy of the decision of the Municipal Board with respect to the application shall be supplied by the Municipal Board to the applicant and to each person who appeared in person or by counsel at the hearing of the application and who filed with the Municipal Board or the secretary of the Municipal Board a written request for notice of the decision. Copies of decision

27b.—(1) By-laws may be passed by the councils of municipalities: Building by-laws

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality. Size and strength of walls, etc., and production of plans
2. For requiring the interior side of the exterior walls and the ceilings and both sides of the partition walls of buildings, or any class of buildings, to be lathed and plastered or otherwise covered with adequate material. Interior walls and ceilings
3. For authorizing the municipal architect or building inspector to permit, in special cases that in his judgment warrant it, such deviation as he may deem proper from the by-laws regulating the erection of buildings, except by-laws passed under section 27a or a predecessor of that section. Deviations from building by-laws

(a) This paragraph applies only to municipalities where the municipal architect or building inspector, as the case may be, is a member or licensee of the Ontario Association of Architects under *The Architects Act* or a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*. Limited application of paragraph R.S.O. 1950. cc. 21, 292

Ascertaining  
levels of  
cellars, etc.

4. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be deemed necessary for ascertaining such levels.

Establishing  
grades of  
streets and  
levels of  
basements

5. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law.

Regulation,  
etc., of  
heating  
plant and  
equipment  
1951, c. 7

6. For regulating, controlling and inspecting, subject to *The Boilers and Pressure Vessels Act, 1951*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Regulating  
removal and  
wrecking of  
buildings

7. For regulating the removing or wrecking of buildings, and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom.

Doors of  
public  
buildings  
R.S.O. 1950,  
cc. 111, 126;  
1953, c. 104

8. For regulating, subject to the provisions of *The Egress from Public Buildings Act, The Theatres Act, 1953* and *The Factory, Shop and Office Building Act*,
  - (a) the size and number of doors, aisles, halls and stairs in and other means of egress from hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement, or for public meetings, and the street gates leading to them;
  - (b) the construction and width of stairways in such buildings, and in factories, warehouses, hotels, boarding and lodging houses;

(c)



- (c) the materials of which and the manner in which stairs and stair-railings shall be constructed, and the strength of walls, beams and joists and their supports in all such buildings; and
  - (d) for requiring the production of the plans of the buildings mentioned in this paragraph now erected or which it is proposed to erect, and for prohibiting the use or erection of them until the provisions of the by-law are complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose.
9. For prohibiting and preventing the obstruction by persons or things of the halls, aisles, passage-ways, alleys or approaches in or leading to any such building during the occupation of it by a public assemblage.
- Obstruction of halls, aisles, etc.
- (a) While any building mentioned in clause *a* of paragraph 8 in a city or town is occupied by a public assemblage, the chief constable or any constable of the city or town may enter it to see that the by-law is not being violated, and may require the removal of any obstruction or of any person standing, sitting or otherwise occupying any hall, aisle, passage-way, alley or approach, except for passing to and fro.
- Powers of police officers as to seeing that by-laws enforced
10. For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line that is used by the public as part of the sidewalk on such street.
- Owner's duty to repair land in front of commercial buildings
11. Subject to the provisions of any other Act requiring fire escapes, for compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places, of such pattern and mode of construction as may be deemed proper, and for prohibiting the occupation of any such buildings unless such fire escapes are provided.
- Compelling provision of fire escapes
12. For regulating the construction, alteration or repairs of buildings.
- Erection of buildings, etc.

Kind of  
walls

13. For prohibiting the erection or placing, within defined areas, of buildings or additions to them without foundations and foundation walls or with external and party walls other than of brick, portland cement, concrete, steel, stone, tile, terracotta or other incombustible material or of one or more of such materials or other than partly of one or more of such materials and partly of other materials as the by-law may prescribe and also prohibiting roofing of other than incombustible material; provided, however, that such by-laws may allow, in defined areas, buildings for prescribed purposes to be erected or placed not exceeding a prescribed size or height having walls of other than said materials or partly of one or more thereof and partly of other materials as the by-law may provide, with roofing of such materials as the council may determine according to the intended use of such buildings, and such by-laws may prohibit the erection or placing of more than the prescribed number of such buildings on any one lot or parcel of land.

(a) "Incombustible material" as applied to roofing in this paragraph means the material prescribed by the by-law with reference to each defined area.

(b) For the purposes of this paragraph, any area or areas in the municipality may be defined by the use of maps attached to the by-law, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Repairs to  
existing  
buildings

14. For regulating the repairing or alteration of roofs or the external walls of existing buildings within such areas, so that the buildings may be as nearly as practicable fire proof.

Pulling  
down, etc.  
buildings  
illegally  
erected

15. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law.

Pulling down  
buildings in  
ruinous  
state

16. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident.

17. For regulating and inspecting wires and other apparatus placed or used for the transmission of electricity for any purpose in or along any highway or on or in any building, and for requiring any such wire or other apparatus that is deemed unsafe or dangerous to be removed or repaired at the expense of the person to whom it belongs or who is using it. Inspecting and regulating electric wires, etc.
18. For regulating the construction of chimneys, flues, fireplaces, stoves, ovens, boilers or other apparatus or things that may be dangerous in causing or promoting fire, and for removing at the expense of the owner any of them constructed in contravention of the by-law. Construction of chimneys, fireplaces, etc.
19. For regulating the construction as to dimensions and otherwise of chimneys. Construction of chimneys
20. For regulating and enforcing the erection of party walls. Erection of party walls
21. For regulating the construction of cellars, sinks, cesspools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them. Construction of cellars, drains, etc.
22. For the purposes of any by-law passed under this section or a predecessor of a provision of this section for adopting, Building codes

(a) in whole or in part the National Building Code of Canada; and

(b) in whole or in part any code or standards adopted, made or sponsored by the Canadian Standards Association, the Canadian Government Specifications Board, the American Society for Testing Materials or any other such body and approved by the National Research Council (Canada),

with such changes as the council may consider necessary and for requiring compliance with any such codes and standards as adopted by the council.

(2) A by-law passed by the council of a township under any paragraph of subsection 1 may be made applicable to the township or one or more defined areas thereof as set out in the by-law. Township by-laws

Application of R.S.O. 1950, c. 243, Part XXI      27c. Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this Part.

Commence-ment      6. Sections 4 and 5 come into force on the day this Act receives Royal Assent.

Short title      7. This Act may be cited as *The Planning Amendment Act, 1959*.

## CHAPTER 72

## An Act to amend The Police Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 16 of *The Police Act* is amended by inserting after “and” in the seventh line “subject to subsection 2a”, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 279, s. 16,  
subs. 1,  
amended

- (1) Where any motor vehicle, bicycle or any personal property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and, subject to subsection 2a, may retain to its own use the proceeds of such sale or disposition.

Sale of  
stolen and  
abandoned  
property  
in  
possession  
of police

(2) Subsection 2 of the said section 16 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 279, s. 16,  
subs. 2,  
re-enacted

- (2) Where such property is perishable, the sale or disposition of the same may be made at any time without notice of any kind, and, where such property is not perishable, the board may,
- (a) in the case of property other than motor vehicles or bicycles, after the expiration of three months from the time it came into possession of the board or member of the police force; or
- (b) in the case of motor vehicles or bicycles, after the expiration of one month from the time it came into possession of the board or member of the police force,

Procedure  
for sale

sell the same by public auction after at least ten days notice of the time and place of holding such

auction



auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold.

Proceeds  
of sale

(2a) Where a motor vehicle or bicycle is sold under subsection 2 before the expiration of three months, the owner thereof may, at any time before the three months expire, claim the proceeds of the sale less the costs of advertising and sale.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Police Amendment Act, 1959*.

## CHAPTER 73

### An Act to amend The Power Commission Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 45a of *The Power Commission Act*, as enacted by section 5 of *The Power Commission Amendment Act, 1952* and amended by section 2 of *The Power Commission Amendment Act, 1953* and section 1 of *The Power Commission Amendment Act, 1958*, is further amended by adding thereto the following subsection:

(2a) In addition to the amounts payable under subsection 2, the Commission shall pay in each year to any municipality in which are situated generating station buildings or transformer station buildings owned by and vested in the Commission the total amount that all rates except, subject to subsections 3 and 4, rates on business assessment, levied in that municipality for taxation purposes would produce based on an assessed value of such buildings to be determined on the basis of \$2 for each square foot of inside ground floor area of the actual buildings housing the generating, transforming and auxiliary equipment and machinery multiplied by the equalization factor used in that year by the Department of Municipal Affairs.

(2) Subsection 3 of the said section 45a, as re-enacted by section 1 of *The Power Commission Amendment Act, 1958*, is repealed and the following substituted therefor:

(3) The Commission shall also pay the amount that the current rates for business assessment levied on assessment on,

(a) lands owned by and vested in the Commission;

(b)

(b) buildings used exclusively for executive and administrative purposes and owned by and vested in the Commission; and

(c) generating station buildings and transformer station buildings owned by and vested in the Commission,

would produce, based on 60 per cent of the assessed value of such land and buildings as calculated and determined under subsections 2 and 2a.

R.S.O. 1950, c. 281, s. 45a (1952, c. 77, s. 5), amended (3) The said section 45a is further amended by adding thereto the following subsection:

Limitation

(4a) Notwithstanding subsections 2, 2a, 3 and 4, the total amount payable thereunder by the Commission to any municipality in any year shall not exceed 50 per cent of the total of the amounts required for the purposes of the municipality and of all of its local boards being raised by the imposition, rating and levying of all rates, assessments and taxation, except local improvement rates, upon rateable property within the municipality in that year.

R.S.O. 1950, c. 281, s. 45a (1952, c. 77, s. 5), subs. 5, amended (4) Subsection 5 of the said section 45a is amended by inserting after "2" in the first line "2a", so that the subsection shall read as follows:

Credit to municipal general fund

(5) The payments received under subsections 2, 2a, 3 and 4 shall be credited by the municipality to the general fund of the municipality.

R.S.O. 1950, c. 281, s. 45a (1952, c. 77, s. 5), subs. 6, amended (5) Subsection 6 of the said section 45a is amended by inserting after "2" in the fourth line "2a", so that the subsection shall read as follows:

Valuation

(6) The assessments and assessed values referred to in this section shall be valuations made in each year for the purposes of this section by the Department of Municipal Affairs, and subject to subsections 2, 2a, 3 and 12 the valuations shall be made on the same basis as real property liable for municipal taxation in the municipality.

R.S.O. 1950, c. 281, s. 45a (1952, c. 77, s. 5), subs. 12, amended (6) Subsection 12 of the said section 45a, as amended by section 2 of *The Power Commission Amendment Act, 1953*, is further amended by inserting after "2" in the fifth line

and

and in the tenth line respectively "2a", so that the subsection shall read as follows:

- (12) In making the valuations referred to in subsection 6, <sup>Exemptions</sup> there shall be no value included for machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 2, 2a or 4, substructures, superstructures, rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4 of *The Assessment Act*, <sup>R.S.O. 1950, c. 24</sup> nor other property, works or improvements not referred to in subsection 2, 2a or 4, nor an easement or the right or use of occupation or other interest in land not owned by the Commission.

**2.** This Act shall be deemed to have come into force on <sup>Commence-</sup> the 1st day of January, 1959. <sup>ment</sup>

**3.** This Act may be cited as *The Power Commission* <sup>Short title</sup> *Amendment Act, 1959.*





## CHAPTER 74

# **An Act to amend The Private Hospitals Act, 1957**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Private Hospitals Act, 1957* is amended by adding thereto the following subsection: 1957, c. 94,  
s. 5,  
amended

(2) No application under *The Corporations Act, 1953* to incorporate a corporation having as its object the operation of a private hospital shall be proceeded with until it has first received the approval of the Commission. Commission  
to approve  
applications  
for incor-  
poration of  
private  
hospitals  
1953, c. 19

**2.** Subsection 1 of section 22 of *The Private Hospitals Act, 1957* is amended by adding thereto the following clause: 1957, c. 94,  
s. 22,  
subs. 1,  
amended

(jj) prescribing the matters upon which by-laws must be passed by corporations that operate private hospitals.

**3.** This Act shall be deemed to have come into force on the 1st day of January, 1959. Commence-  
ment

**4.** This Act may be cited as *The Private Hospitals Amendment Act, 1959*. Short title



## CHAPTER 75

**An Act to amend  
The Private Investigators Act, 1958**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 19 of *The Private Investigators Act, 1958* is amended by adding at the end thereof “or from any provision thereof”, so that the clause shall read as follows: 1958, c. 81,  
s. 19, cl. *a*,  
amended

(a) prescribing the classes of persons who shall be exempt from this Act or from any provision thereof.

(2) Clause *b* of the said section 19 is repealed.

1958, c. 81,  
s. 19, cl. *b*,  
repealed

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Private Investigators Amendment Act, 1959*. Short title



## CHAPTER 76

## An Act to amend The Probation Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Probation Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 291, s. 1, re-enacted

- 1.—(1) The Lieutenant-Governor in Council may appoint such probation officers as may be deemed necessary for the purposes of this Act. Probation officers, appointment
- (2) Every probation officer appointed under this Act is a probation officer in and for the Province of Ontario. Jurisdiction
- (3) A probation officer appointed under this Act shall perform his duties in such part of Ontario as may be assigned to him from time to time by the Attorney-General. Where duties to be performed
- (4) A probation officer appointed under this Act shall be deemed to be an officer of every court in the part of Ontario to which he is assigned and shall carry out the directions of the judges and magistrates presiding in such courts. Status
- 1a.—(1) The council of a county to which a probation officer is assigned shall provide such office accommodation for him as the regulations may require and every city and separated town shall, as part of the county for judicial purposes, bear and pay their just share or proportion of the cost of providing such accommodation. Office accommodation
- (2) If the council of a county and the council of a city or separated town are unable to agree as to the amount to be paid by the city or separated town Arbitration

under



R.S.O. 1950,  
c. 243

under subsection 1, the amount shall be determined by arbitration under Part XVI of *The Municipal Act*.

Where city  
responsible

- (3) Where under an agreement or award or under a general or special Act it is the duty of a city to provide accommodation for the courts and the officers engaged in the administration of justice in the county, the city shall provide such office accommodation for the probation officer as the regulations may require.

R.S.O. 1950,  
c. 291, s. 2,  
subs. 1,  
amended

**2.**—(1) Subsection 1 of section 2 of *The Probation Act* is amended by striking out “For the purpose of giving effect to section 1081 of the *Criminal Code* (Canada) and amendments thereto” in the first and second lines, so that the subsection, exclusive of the clauses, shall read as follows:

Powers  
and  
duties

- (1) It shall be the duty of the probation officer and he shall have power with regard to any person convicted at a sittings of the Supreme Court for the trial of criminal cases or at the general sessions of the peace, or the county judges’ criminal court, or at the court of any magistrate or justice of the peace or by a juvenile court in the county or district,

. . . . .

R.S.O. 1950,  
c. 291, s. 2,  
subs. 2,  
amended

(2) Subsection 2 of the said section 2 is amended by striking out “and any assistant of the probation officer” in the second and third lines, so that the subsection shall read as follows:

Provincial  
constable  
*ex officio*

- (2) In the performance and exercise of the powers imposed by or under subsection 1, the probation officer shall be *ex officio* a provincial police constable.

R.S.O. 1950,  
c. 291,  
ss. 3, 4,  
repealed

**3.** Section 3 and section 4, as amended by section 1 of *The Probation Amendment Act, 1955*, of *The Probation Act* are repealed.

R.S.O. 1950,  
c. 291, s. 5  
(1957, c. 95,  
s. 1),  
amended

**4.** Section 5 of *The Probation Act*, as re-enacted by section 1 of *The Probation Amendment Act, 1957*, is amended by striking out “and his assistants” in the second line, so that the section shall read as follows:

Salaries,  
etc.

5. The salary or other remuneration of a probation officer and the expenses of providing clerical and other assistance and any other necessary expenses of his office shall be payable out of the moneys appropriated therefor by the Legislature.

5. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**6.** This Act may be cited as *The Probation Amendment Act, 1959*.



## CHAPTER 77

# An Act to amend The Provincial Land Tax Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 21 of *The Provincial Land Tax Act*, as re-enacted by section 2 of *The Provincial Land Tax Amendment Act, 1952*, is amended by inserting after “thereupon” in the ninth line “subject to subsection 3a”, so that the subsection shall read as follows:

- (3) Where the total amount of tax, penalties, interest and costs remain unpaid after the 31st day of August in the year next following the publication of the list in *The Ontario Gazette* under subsection 2, the Deputy Minister by a certificate under his hand and seal of office may on and after the 1st day of September next following declare the lands and every interest therein forfeited to and vested in the Crown, and thereupon, subject to subsection 3a, the land and every interest therein shall vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture is declared, and the land may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario.

(2) The said section 21 is amended by adding thereto the following subsection:

- (3a) Where a dominant tenement is forfeited, any easement appurtenant thereto passes to the Crown and, where a servient tenement is forfeited, the forfeiture does not affect any easement to which the servient tenement is subject.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Provincial Land Tax Amendment Act, 1959*.



## CHAPTER 78

**An Act to amend  
The Provincial Parks Act, 1958**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Provincial Parks Act, 1958* is amended <sup>1958, c. 83,  
s. 3,  
amended</sup> by adding thereto the following subsection:

(3a) Notwithstanding *The Municipal Act*, a municipality <sup>Road  
allowances  
R.S.O. 1950,  
c. 243</sup> may pass by-laws authorizing it to convey to the Crown for the purposes of a provincial park any unopened road allowance under its jurisdiction and control.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Provincial Parks Amend-<sup>Short title</sup>  
ment Act, 1959*.



## CHAPTER 79

## An Act to amend The Public Health Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *zgg* of section 5 of *The Public Health Act*, as enacted by subsection 2 of section 2 of *The Public Health Amendment Act, 1957*, is amended by adding at the commencement thereof “defining ‘sale’ for the purposes of this Act and the regulations”, so that the clause shall read as follows: R.S.O. 1950, c. 306, s. 5, cl. *zgg* (1957, c. 97, s. 2, subs. 2), amended

(*zgg*) defining “sale” for the purposes of this Act and the idem regulations, classifying and defining upholstered or stuffed articles and the materials to be used therein, and requiring and prescribing the treating, processing, sterilizing and disinfecting of upholstered or stuffed articles and the materials used therein, and prohibiting the use in upholstered or stuffed articles of materials designated by the regulations.

(2) Clause *zggg* of the said section 5, as enacted by subsection 2 of section 2 of *The Public Health Amendment Act, 1957*, is amended by inserting after “articles” in the second line “constructed, manufactured, altered, renovated, repaired, renewed, covered, recovered”, so that the clause shall read as follows: R.S.O. 1950, c. 306, s. 5, cl. *zggg* (1957, c. 97, s. 2, subs. 2), amended

(*zggg*) requiring the labelling of upholstered or stuffed idem articles constructed, manufactured, altered, renovated, repaired, renewed, covered, recovered, sold or offered for sale and prescribing the form of the labels to be affixed thereon.

(3) The said section 5 is amended by adding thereto the following clause: R.S.O. 1950, c. 306, s. 5, amended

(*zi*) regulating, restricting or prohibiting the installation, use, movement, handling, maintenance, storage or ionizing radiation

disposal

disposal of sources of ionizing radiation used otherwise than in commerce or industry, or any class of them.

R.S.O. 1950, c. 306, s. 98 (1957, c. 97, s. 7), re-enacted **2.** Section 98 of *The Public Health Act*, as enacted by section 7 of *The Public Health Amendment Act, 1957*, is repealed and the following substituted therefor:

Inspection, etc., of upholstered or stuffed articles

98. A medical officer of health or any inspector or other person in the employ of a local board or any member of a local board or an officer of the Department may at all reasonable times inspect,

- (a) the premises where upholstered or stuffed articles are constructed, manufactured, altered, renovated, repaired, renewed, covered or recovered;
- (b) the premises where materials for the construction, manufacture, alteration, renovation, repair, renewal, covering or recovering of such articles are processed;
- (c) the premises where such articles are offered for sale; and
- (d) upholstered or stuffed articles,

and for the purpose of the inspection may seize, detain and open any upholstered or stuffed article and remove part therefrom, may prohibit the sale of any such article that is not labelled or where the labelling contravenes the regulations and may affix "off sale" labels.

R.S.O. 1950, c. 306, s. 134, subs. 1, cl. d, amended **3.**—(1) Clause *d* of subsection 1 of section 134 of *The Public Health Act* is amended by striking out "and for the erection of permanent or temporary hospitals for the accommodation of persons so employed" in the fifth, sixth and seventh lines, so that the clause shall read as follows:

- (d) providing for the employment of duly qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed.

R.S.O. 1950, c. 306, s. 134, subs. 1, cl. e, re-enacted (2) Clause *e* of subsection 1 of the said section 134 is repealed and the following substituted therefor:

(e)

- (e) respecting the entering into, adoption, establishment, operation, termination or suspension of,
- (i) any contract for the employment of a duly qualified medical practitioner to undertake the medical and surgical care and treatment of employees of one or more employers of labour mentioned in this section,
  - (ii) any scheme or arrangement for the medical and surgical care and treatment of employees of one or more employers of labour mentioned in this section, or
  - (iii) any scheme or arrangement for the hospital care and treatment of employees of one or more employers of labour mentioned in this section who are not residents as defined by the regulations under *The Hospital Services Commission Act, 1957*, c. 46 and who are not entitled to receive insured services under a hospitalization plan administered by or under the authority of the government of another province pursuant to an agreement made by that province with the Government of Canada under the *Hospital Insurance and Diagnostic Services Act (Canada)*, 1957, c. 28 (Can.)

and prescribing the forms to be used and reports to be made to the Minister.

4. Section 135 of *The Public Health Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 306, s. 135,  
re-enacted

- 135.—(1) Where an employer of labour mentioned in section 134, Medical and  
surgical  
contracts  
and schemes  
and  
deduction  
from wages
- (a) has entered into a medical contract for the employment of a duly qualified medical practitioner to undertake the medical and surgical care and treatment of his employees; or

- (b) has established a scheme or entered into an arrangement for the medical and surgical care and treatment of his employees,

under which the employer is responsible for the provision of the medical and surgical care and treatment for a period not exceeding thirty days in respect of each illness or disability, the employer may,

with

with the approval of the Minister, deduct the amount prescribed by the regulations, but not exceeding \$1.50 per month, from the wages of each employee.

Hospital  
schemes  
for non-  
resident  
employees  
and  
deduction  
from wages

1957, c. 46

- (2) Where an employer of labour mentioned in section 134 has established a scheme or entered into an arrangement referred to in subclause iii of clause *e* of subsection 1 of section 134, he may deduct monthly the amount prescribed as the premium rate payable by a single person by the regulations under *The Hospital Services Commission Act, 1957* from the wages of each employee entitled to the care and treatment under the scheme or arrangement.

Extent of  
hospital  
scheme

- (3) Any scheme or arrangement referred to in subsection 2 shall provide hospital care and treatment so long as it is medically necessary for a period not exceeding ninety days whether the employee is hospitalized in Ontario or in another province or territory of Canada.

Commence-  
ment

**5.**—(1) This Act, except sections 1 and 2, shall be deemed to have come into force on the 1st day of January, 1959.

Idem

(2) Sections 1 and 2 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**6.** This Act may be cited as *The Public Health Amendment Act, 1959*.



## CHAPTER 80

# An Act to amend The Public Hospitals Act, 1957

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of section 1 of *The Public Hospitals Act*, 1957, c. 98, s. 1, cl. *c*, 1957 is repealed. repealed

(2) Clause *l* of the said section 1 is repealed and the following substituted therefor: 1957, c. 98,  
s. 1, cl. *l*,  
re-enacted

(*l*) “provincial aid” means any sum paid to a hospital under this Act or under *The Hospital Services Commission Act*, 1957, c. 46

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor: 1957, c. 98,  
s. 1, cl. *g*,  
re-enacted

(*g*) “treatment” means the maintenance, observation, medical care and supervision and skilled nursing care of a patient and, if dental service is made available in a hospital by its board, includes the dental care and supervision of the patient.

**2.** Section 8 of *The Public Hospitals Act*, 1957 is amended by adding thereto the following subsections: 1957, c. 98,  
s. 8,  
amended

(4) Notwithstanding *The Corporations Act*, 1953, a hospital may provide by by-law for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than five years and at least four directors shall retire from office each year. Rotation  
of  
directors  
1953, c. 19

(5) Notwithstanding *The Corporations Act*, 1953, a hospital may provide by by-law for the appointment by its board, in recognition of contributions or of long or special services to the hospital deemed Special  
directors

worthy

worthy of such appointment, of life directors, term directors and honorary directors.

- Idem (6) A life director may attend meetings of the board during his lifetime and vote in person but not by proxy thereat, and the number of life directors at any time shall not exceed the number of elected and *ex officio* directors.
- Idem (7) A term director may attend meetings of the board for a term not exceeding ten years as specified in the by-law and vote in person but not by proxy thereat.
- Idem (8) An honorary director may attend meetings of the board and may act in an advisory capacity without the right to vote or may vote in person but not by proxy as determined by the by-law.
- Idem (9) The by-law may provide for the appointment of members or retired members of the medical, dental, nursing or administrative staffs of the hospital as honorary directors of the hospital.
- Idem (10) The number of honorary directors with the right to vote at board meetings plus the number of term directors at any time shall not exceed the number of elected and *ex officio* directors.

1957, c. 98,  
ss. 14, 15,  
re-enacted;  
s. 16,  
repealed

**3.** Sections 14, 15 and 16 of *The Public Hospitals Act, 1957* are repealed and the following substituted therefor:

General  
hospitals  
to admit  
sick persons

14.—(1) Except as may be otherwise provided in this Act, no hospital receiving provincial aid, other than a hospital for chronically ill persons or a hospital for convalescent persons, shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of active treatment.

Hospitals  
for  
convalescent  
persons

(2) Except as may be otherwise provided in this Act, no hospital for convalescent persons receiving provincial aid shall be required to admit as a patient a chronically ill person or a person who is in need of active treatment, and no hospital for convalescent persons receiving such aid shall refuse to admit as a patient any convalescent person referred to it from an active treatment hospital or by a legally qualified medical practitioner in accordance with the regulations.

Hospitals  
for  
chronically  
ill persons

(3) Except as may be otherwise provided in this Act, no hospital for chronically ill persons receiving provincial aid shall be required to admit as a patient a

convalescent

convalescent person or a person who is in need of active treatment, and no hospital for chronically ill persons receiving such aid shall refuse to admit as a patient any chronically ill person so certified and referred to it from an active treatment hospital in accordance with the regulations.

15. Nothing in this Act requires any hospital to admit <sup>Refusal of admission</sup> as a patient,

(a) any person who is not a resident or a dependant of a resident of Ontario, unless by refusal of admission life would thereby be endangered; or

(b) any person who merely requires custodial care.

4. Section 17 of *The Public Hospitals Act, 1957* is amended <sup>1957, c. 98, s. 17, amended</sup> by inserting after "students" in the third line "and dental students", so that the section shall read as follows:

17. Subject to any existing agreement relating thereto, <sup>Students' clinics</sup> every hospital receiving provincial aid shall provide such facilities for medical students and dental students as the regulations require.

5. Subsection 1 of section 24 of *The Public Hospitals Act, 1957* is repealed. <sup>1957, c. 98, s. 24, subs. 1, repealed</sup>

6. Section 29 of *The Public Hospitals Act, 1957* is amended <sup>1957, c. 98, s. 29, amended</sup> by adding thereto the following subsections:

- (2) The right of a municipality under this section to <sup>Idem</sup> recover any payment made by it to a hospital for the treatment of a patient shall commence the day after the patient is discharged from the hospital and shall not include the right while the patient is in hospital to take all or part of the pension received by the patient under the *Old Age Security Act* <sup>R.S.C. 1952, c. 200</sup> (Canada) or received under that Act by the person whose dependant the patient is.
- (3) The taking by a municipality of a conveyance of or <sup>Idem</sup> a security on land under a municipal by-law authorized by paragraph 30 of section 386 of *The Municipal Act* <sup>R.S.O. 1950, c. 243</sup> to recover any payment made by the municipality for the treatment of a patient is deemed to be recovery for the purposes of this section although the realization on the conveyance or security may occur more than one year after the discharge of the patient from the hospital.

## Limitation

- (4) The right of a municipality under this section to recover any payment made by it to a hospital for the treatment of a patient shall cease one year after the discharge of the patient from the hospital.

1957, c. 98,  
s. 35, subs. 1,  
cl. *h*,  
re-enacted

**7.**—(1) Clause *h* of subsection 1 of section 35 of *The Public Hospitals Act, 1957* is repealed and the following substituted therefor:

- (*h*) providing for the certification of chronically ill persons and the method of referring such persons to hospitals for chronically ill persons;

- (*hh*) providing for the method of referring convalescent persons to hospitals for convalescent persons.

1957, c. 98,  
s. 35, subs. 1,  
cl. *k*,  
amended

(2) Clause *k* of subsection 1 of the said section 35 is amended by adding at the end thereof “and dental students”, so that the clause shall read as follows:

- (*k*) prescribing the facilities that hospitals shall provide for medical students and dental students.

1957, c. 98,  
s. 35, subs. 1,  
amended

(3) Subsection 1 of the said section 35 is amended by adding thereto the following clause:

- (*nn*) defining words and terms used in the Act for the purposes of the Act and the regulations.

1958, c. 85,  
repealed

**8.** *The Public Hospitals Amendment Act, 1958* is repealed.

Commence-  
ment

**9.** This Act shall be deemed to have come into force on the 1st day of January, 1959.

Short title

**10.** This Act may be cited as *The Public Hospitals Amendment Act, 1959*.

## CHAPTER 81

## An Act to amend The Public Lands Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 309,  
amended

- 4a.—(1) There shall be a committee to be known as the Advisory  
Committee Advisory Committee consisting of a chairman and such member or members as the Minister deems appropriate.
- (2) Subject to the approval of the Lieutenant-Governor Appoint-  
ment in Council, the chairman and members of the Committee shall be appointed by the Minister for such term as the Minister deems proper.
- (3) The Committee may, with the approval of the Sub-  
committees Minister, appoint such sub-committees composed of such members of the Committee and such other persons as it deems appropriate.
- (4) The members of the Committee and any sub-committee shall be paid such remuneration and Remunera-  
tion, etc. expenses as may be determined by the Lieutenant-Governor in Council.
- (5) The Committee shall meet monthly or otherwise as Meetings the Minister may determine.
- (6) It is the duty of the Committee to advise the Duty Minister upon policy on such matters as the Minister may direct, regard being had to the conservation, development and utilization of the renewable natural resources of Ontario.

**2.**—(1) Subsection 1 of section 15 of *The Public Lands Act*, as amended by subsection 1 of section 4 of *The Public* R.S.O. 1950,  
c. 309, s. 15,  
subs. 1, re-  
enacted



*Lands Amendment Act, 1953*, is repealed and the following substituted therefor:

Regulations  
re sale of  
public lands

- (1) The Lieutenant-Governor in Council may make regulations prohibiting or regulating and controlling the sale of public lands to actual settlers for agricultural purposes or to purchasers of summer resort locations for private or commercial use or to purchasers of public lands for any other purpose or use and fixing the prices and terms and conditions of sale and of settlement.

Idem

- (1a) Any regulation made under subsection 1 may be made applicable to any part of Ontario and may for the purposes of subsection 1 define any term used therein.

R.S.O. 1950,  
c. 309, s. 15,  
subs. 1a  
(1958, c. 86,  
s. 4),  
renumbered

- (2) Subsection 1a of the said section 15, as enacted by section 4 of *The Public Lands Amendment Act, 1958*, is renumbered as subsection 1b.

R.S.O. 1950,  
c. 309,  
amended

3. *The Public Lands Act* is amended by adding thereto the following sections:

Land use  
conditions

- 15c.—(1) Letters patent for land sold or leased under this Act may contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner and every such condition shall be deemed to be annexed to the land.

Where  
condition  
violated

- (2) Where land has been or is being used in violation of a condition in the letters patent, the Minister may apply by way of originating notice of motion to the judge of the county or district court of the county or district in which the land is situate for an order forfeiting the land to the Crown and for possession of the land, and the judge, upon proof to his satisfaction that the land has been or is being used in violation of the condition, shall make an order declaring that, upon registration of the order under subsection 4, the land is forfeit to the Crown and requiring any person in possession of the land to deliver up possession of the land to the Minister or to any person authorized by the Minister to receive possession of it.

Idem

- (3) An order made under subsection 2 has the same force as a writ of possession and the sheriff or bailiff or person to whom it is entrusted for execution shall

execute



execute it in like manner as he would a writ of possession in an action for the recovery of land.

- (4) A certified copy of an order made under subsection 2 <sup>Idem</sup> shall be registered in the proper registry or land titles office and, upon registration, the land is vested in the Crown and may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario.

- 15*d*. Where land has been sold or leased under this Act and the letters patent therefor contain a condition <sup>Release of land use conditions</sup> that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner, the Minister may, upon such terms and conditions as he thinks proper, make an order releasing the land or any part thereof from the condition or any part thereof contained in the letters patent.

**4.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.  
<sub>ment</sub>

**5.** This Act may be cited as *The Public Lands Amendment* <sup>Short title</sup> *Act, 1959.*



## CHAPTER 82

## An Act to amend The Public Libraries Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Public Libraries Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 310, s. 1,  
cl. *a*,  
re-enacted

- (a) "board" in Part I means a public library board, in Part II means a board of management of a public library association, in Part III-A means a county library board, and in Part IV means any board established under this Act.

2. Section 11 of *The Public Libraries Act* is repealed.

R.S.O. 1950,  
c. 310, s. 11,  
repealed

3. Section 21 of *The Public Libraries Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 310, s. 21,  
re-enacted

- 21.—(1) The councils of two or more local municipalities may enter into an agreement for the establishment of a union public library.
- (2) Any agreement under subsection 1 shall provide for the proportion of the cost of the establishment, operation and maintenance of the union public library that shall be borne by each municipality.
- (3) The general management, regulation and control of a union public library shall be vested in a board which shall be a body corporate by the name of The ..... (inserting the names of the municipalities concerned) Union Public Library Board.
- (4) The union public library board shall be composed of such number of members appointed by the council of each municipality concerned for such term of office as the agreement may provide.

Union  
public  
library

Agreement

Union  
board

Composition  
of board

Qualifica-  
tions of  
members

- (5) All members of a union public library board who are not members of a municipal council shall be British subjects, over twenty-one years of age and residents of the municipalities for which the union public library is established.

Dissolution  
of boards  
included  
in union

- (6) When a union public library is established, every public library board formerly established in the municipalities for which the union public library board is established shall thereby be dissolved and the assets and liabilities of such public library boards shall vest in and be assumed by the union public library board.

Agreements  
for library  
service

- 21a. Two or more public library boards, union public library boards or county library boards, or any of them, may enter into agreements for providing any library service on such terms and conditions as may be agreed upon.

R.S.O. 1950,  
c. 310, s. 26,  
re-enacted

4. Section 26 of *The Public Libraries Act* is repealed and the following substituted therefor:

Chairman

- 26.—(1) The board at its first meeting in each year shall elect one of its members as chairman.

Acting  
chairman

- (2) In the absence of the chairman from any meeting, the board may appoint one of its members an acting chairman for the meeting.

Secretary

- (3) The board shall appoint a secretary who may also be the librarian and who shall,

(a) conduct the official correspondence for the board; and

(b) keep a full and correct record of the proceedings of every meeting of the board in a minute book provided for that purpose by the board, and ensure that the minutes when confirmed are signed by the presiding officer.

Treasurer

- (4) The board shall appoint a treasurer, who may also be the secretary or assistant secretary and who shall,

(a) receive and account for all moneys of the board;

(b)

- (b) open an account in the name of the board in a chartered bank approved by the board; and
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board.

5. Sections 32, 33 and 34 of *The Public Libraries Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
c. 310, ss. 32,  
33, re-  
enacted;  
s. 34,  
repealed

32. The board shall,

Powers and  
duties of  
board

- (a) ensure that every library under its charge is conducted in accordance with this Act and the regulations;
- (b) fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;
- (c) transmit to the Minister all reports required by this Act and the regulations or requested by him;
- (d) make provision for insuring the buildings and equipment owned by the board;
- (e) operate a main library and any number of branch libraries, mobile units, deposit stations, art galleries or museums that it deems necessary;
- (f) submit to the council, as soon as possible in each year and in any case upon request, a detailed estimate of the sums required for the current year to meet the cost of operation and for capital expenditures and indicate any surplus or deficit from the preceding year in each account;
- (g) take proper security for the treasurer or secretary-treasurer; and
- (h) provide suitable furniture, equipment and an adequate supply of library books and magazines.

Permissive  
powers of  
board

### 33. The Board may,

- (a) appoint such committees as it may deem expedient;
- (b) appoint and remove such officers and servants as it may deem necessary, determine the terms on which they are to be employed, fix their salaries and prescribe their duties; and
- (c) collect fines for overdue or lost books and charge a non-resident fee per year to a borrower who is not a resident or a ratepayer in the municipalities or parts thereof that form part of the library service.

R.S.O. 1950,  
c. 810,  
amended

6. *The Public Libraries Act* is amended by adding thereto the following Part:

## PART III-A

### COUNTY LIBRARIES

Establish-  
ment

83a.—(1) Where at least 75 per cent of the municipalities forming part of a county for municipal purposes request the county to establish a county library service, the council of the county may by by-law establish a county library service for all such municipalities.

Request  
for estab-  
lishment

(2) No request of a local municipality for the establishment of a county library service shall be acted on unless the request is authorized by a favourable vote of a majority of the members of the council of the local municipality.

Approval  
of  
Minister

(3) A by-law passed by the council of a county under this section shall not be effective until approved by the Minister and, when so approved, shall be effective on the 1st day of January of the year following unless otherwise provided in the by-law.

Dissolution  
of public  
library  
boards, etc.

(4) When a county library service is established, every public library board, public library association and county library co-operative established for a municipality or any part thereof that is included in the county library service is thereby dissolved and the assets and liabilities of such boards are thereby vested in and assumed by the county library board unless otherwise provided in the by-law establishing the county library service.



- 83b.—(1) The general management, regulation and control of a county library service shall be vested in a board which shall be a corporation known as The .....  
 ..... (*inserting the name of the county*)  
 County Library Board.
- (2) A county library board shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council who represent a local municipality included in the county library service and three of whom shall be British subjects, over twenty-one years of age and residents of the municipalities included in the county library service who are not members of the council.
- (3) The members of the board who are not members of the county council shall hold office for three years, except that, when appointments are made to a newly-established board, one member shall be appointed for one year, one for two years and one for three years.
- (4) The council of the county at the first meeting of council in each year after the board is established shall appoint three members of the council and one other qualified person as members of the board.
- (5) Each member shall hold office until the 31st day of December of the last year for which he is appointed and until his successor is appointed.
- (6) Where a vacancy occurs from any cause before the expiration of the term of office for which a member has been appointed, the council of the county shall appoint a qualified person to fill the vacancy for the unexpired portion of the term of office.
- (7) The members of the board shall serve without remuneration but each member shall be paid his proper travelling and living expenses incurred in the work of the board.
- (8) The first meeting of a newly-established board shall be called by the clerk of the county forthwith after the members of the board have been appointed.
- 83c. Sections 13, 22 to 40 and 44 to 49 of Part I apply *mutatis mutandis* to the board and any reference to municipal council therein shall be deemed to be a reference to the county council that established the county library service.

Branch  
libraries

83d. Every county library board shall operate and maintain a library as a branch in each municipality that operated a public library prior to the date upon which that municipality became part of the county library service.

Librarian

83e. The Board shall appoint a librarian who shall,

- (a) hold a Class A, B or C certificate of librarianship issued by the Minister;
- (b) be the chief executive officer of the board; and
- (c) attend the meetings of the board or designate a person to represent him.

County  
library  
rate

83f. A county by-law establishing a county library service shall provide for the levying of an annual rate upon the equalized assessment of the municipalities that form part of the county for municipal purposes and that are included in the county library service sufficient to meet the amount estimated by the board to meet its operating costs and the principal and interest payable under any debentures issued for the purposes of the county library service and such rate shall form part of the county rates for such municipalities.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Public Libraries Amendment Act, 1959*.

## CHAPTER 83

## An Act to amend The Public Schools Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 15 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 316, s. 15,  
subs. 1,  
re-enacted

- (1) The council of a township may by by-law, passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township as a township school area and, when the by-law becomes effective, the school sections that are included in the township school area shall for the purpose of this Act cease to exist and the boards having jurisdiction therein shall *ipso facto* be dissolved. By-law  
setting  
apart  
township  
school  
area

**2.—(1)** Section 32 of *The Public Schools Act*, as amended by section 8 of *The Public Schools Amendment Act, 1957* and section 5 of *The Public Schools Amendment Act, 1958*, is further amended by adding thereto the following subsection: R.S.O. 1950,  
c. 316, s. 32,  
amended

- (13a) The award of the arbitrators may deal with a greater or smaller area or areas than the area or areas specified in the petition. What award  
may deal  
with

(2) Subsection 25 of the said section 32 is amended by adding thereto the following clause: R.S.O. 1950,  
c. 316, s. 32,  
subs. 25,  
amended

- (c) each of the councils petitioned by five or more rate-payers shall, within thirty days of the receipt of the petition, appoint an arbitrator who shall not be a member of the council and the clerk of each municipality concerned shall send a notice of the appointment to the inspector in the municipality. Appoint-  
ment

R.S.O. 1950,  
c. 316, s. 56,  
subs. 13  
(1958, c. 88,  
s. 9),  
amended

**3.** Subsection 13 of section 56 of *The Public Schools Act*, as enacted by section 9 of *The Public Schools Amendment Act, 1958*, is amended by inserting after "area" in the first line "or a union school section that includes an urban municipality", so that the subsection shall read as follows:

Municipalities in township school area or urban union school section to pay in proportion

- (13) Where a township school area or a union school section that includes an urban municipality comprises two or more municipalities or parts thereof, subsection 5 of section 58 shall apply to such municipalities.

R.S.O. 1950,  
c. 316, s. 64,  
subs. 2,  
amended

**4.—**(1) Subsection 2 of section 64 of *The Public Schools Act* is amended by striking out "unorganized territory" in the first and second lines and inserting in lieu thereof "a territorial district", so that the subsection shall read as follows:

Rates in urban municipalities

- (2) In urban municipalities situate in a territorial district where a like condition exists the rates to be so levied on public school supporters shall be equal to those levied in the nearest urban municipality.

R.S.O. 1950,  
c. 316, s. 64,  
subs. 3,  
amended

(2) Subsection 3 of the said section 64 is amended by striking out "unorganized territory" in the first and second lines and inserting in lieu thereof "a territorial district", so that the subsection shall read as follows:

Rates in rural school sections

- (3) In rural school sections in townships situate in a territorial district where a like condition exists the rates to be so levied on public school supporters shall be equal to the average rate levied on public school supporters in the other rural school sections in the same township in which there is a public school, or if there be none then equal to the rate levied on public school supporters in the nearest rural school section outside the township in which there is a public school.

R.S.O. 1950,  
c. 316, s. 65,  
amended

**5.** Section 65 of *The Public Schools Act* is amended by adding thereto the following subsection:

Parts of section to be adjoining

- (5) All parts of a school section, except a township school area, shall be adjoining.

R.S.O. 1950,  
c. 316, s. 84,  
amended

**6.** Section 84 of *The Public Schools Act* is amended by adding thereto the following subsection:

Application of R.S.O. 1950, c. 243, s. 162

- (3) Section 162 of *The Municipal Act* shall apply *mutatis mutandis* to every election of trustees in an urban municipality or in a township for which a township school area board has been established and to any proceeding relating to such election.



7. Subsection 5 of section 90 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 316, s. 90,  
subs. 5,  
re-enacted

- (5) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,

Attendance  
of children  
of non-  
residents

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment of the property taxable for public school purposes in the school section divided by the number of names that are designated on the assessment roll as owners of such property, his child shall be admitted to such school on the same terms and conditions as a child of a resident ratepayer.

8.—(1) Subsection 2 of section 91 of *The Public Schools Act* is amended by striking out “and as a public school within the meaning of section 115” in the tenth and eleventh lines.

R.S.O. 1950,  
c. 316, s. 91,  
subs. 2,  
amended

(2) Subsection 3, subsection 3a, as enacted by section 13 of *The Public Schools Amendment Act, 1957*, and subsection 4 of the said section 91 are repealed.

R.S.O. 1950,  
c. 316, s. 91,  
subs. 3, 3a  
(1957, c. 101,  
s. 13), 4,  
repealed

9. Section 115, as amended by section 16 of *The Public Schools Amendment Act, 1957*, and sections 116, 117 and 118 of *The Public Schools Act* are repealed.

R.S.O. 1950,  
c. 316,  
ss. 115-118,  
repealed

10.—(1) Section 120a of *The Public Schools Act*, as enacted by section 3 of *The Public Schools Amendment Act, 1951* and amended by section 14 of *The Public Schools Amendment Act, 1953*, is further amended by adding thereto the following subsections:

R.S.O. 1950,  
c. 316,  
s. 120a  
(1951,  
c. 73, s. 3),  
amended

- (1a) Where the number of teachers employed in the public and secondary schools operated by a board of education becomes 100, the board may establish the school section as a municipal inspectorate and appoint one or more public school inspectors, one of whom shall be designated as the chief inspector and superintendent of public schools.

Where 100  
teachers  
are  
employed  
in public  
and  
secondary  
schools

- (1b) Where a board of education has established a municipal or a city inspectorate and appoints a director of education who is qualified to be a public school

Where  
board of  
education  
has  
appointed  
director of  
education

inspector,

inspector, the board shall designate him as the chief inspector of public schools and may appoint one or more public school inspectors, one of whom may be designated as superintendent of public schools.

Idem

- (1c) Where a board of education has established a municipal or city inspectorate and appoints a director of education who is not qualified to be a public school inspector, the board shall appoint a chief inspector of public schools who shall also be the superintendent of public schools.

R.S.O. 1950,  
c. 316,  
s. 120a  
(1951, c. 73,  
s. 3),  
subs. 2,  
amended

- (2) Subsection 2 of the said section 120a, as amended by subsection 2 of section 14 of *The Public Schools Amendment Act, 1953*, is further amended by striking out "subsection 1" in the first line and inserting in lieu thereof "this section", so that the subsection shall read as follows:

Application  
of ss. 119,  
120, 121-124

- (2) Where an inspector is appointed under this section, the provisions of sections 119 and 120, except subsections 8 and 9 of section 120, and the provisions of sections 121 to 124, in relation to city inspectors and city inspectorates, shall apply *mutatis mutandis* to the municipal inspector and the municipal inspectorate in which he has jurisdiction.

Commence-  
ment

- 11.**—(1) This Act, except sections 8 and 9, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 8 and 9 shall be deemed to have come into force on the 1st day of January, 1959.

Short title

- 12.** This Act may be cited as *The Public Schools Amendment Act, 1959*.



## CHAPTER 84

## An Act to amend The Public Service Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Public Service Act* is amended by adding thereto the following clause:

R.S.O. 1950,  
c. 317, s. 1,  
amended

(gg) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council.

**2.** Section 2 of *The Public Service Act* is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 317, s. 2,  
amended

(1a) The Commission is responsible to the Minister for the administration of this Part.

Adminis-  
tration of  
Part I

**3.** Section 11 of *The Public Service Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 317, s. 11,  
re-enacted

11.—(1) The board known as the Public Service Super-annuation Board is continued and shall consist of four members.

Public  
Service  
Super-  
annuation  
Board

(2) The chairman of the Commission is *ex officio* a member of the Board and the other three members shall be appointed by the Lieutenant-Governor in Council, one of whom shall be the representative of the Civil Service Association of Ontario.

Composition

(3) The Lieutenant-Governor in Council may designate one of the members of the Board as chairman.

Chairman

11a. The Board is responsible to the Minister for the administration of this Part.

Adminis-  
tration of  
Part II

R.S.O. 1950,  
c. 317, s. 42  
(1952, c. 88,  
s. 3)  
amended

**4.** Section 42 of *The Public Service Act*, as enacted by section 3 of *The Public Service Amendment Act, 1952*, is amended by adding thereto the following subsection:

Responsi-  
bility for  
administra-  
tion

(1a) The Commission and the Board are responsible to the Minister for their respective functions in the administration of this Part.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Public Service Amendment Act, 1959*.

## CHAPTER 85

## An Act to amend The Public Vehicles Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Public Vehicles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 322, s. 18, amended

(2) The Lieutenant-Governor in Council may make Regulations regulations prescribing exits to be used only in an emergency in lieu of those required in subsection 1.

2. This Act may be cited as *The Public Vehicles Amendment Act, 1959*. Short title



## CHAPTER 86

## An Act to amend The Racing Commission Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 11 of *The Racing Commission Act*, as enacted by section 1 of *The Racing Commission Amendment Act, 1951*, is amended by adding at the commencement thereof "to refuse to grant any licence or", so that the clause shall read as follows:

- (*j*) to refuse to grant any licence or to suspend or revoke any licence for conduct which the Commission considers to be contrary to the public interest.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Racing Commission Amendment Act, 1959*.





## CHAPTER 87

**An Act to amend  
The Rainbow Bridge Act, 1941**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Rainbow Bridge Act, 1941* is amended by adding <sup>1941, c. 48, amended</sup> thereto the following sections:

3a. Notwithstanding *The Mortmain and Charitable Uses Act*, the Commission has and shall be deemed to <sup>Power to hold land in perpetuity</sup> have had on and after the 16th day of June, 1938, <sup>R.S.O. 1950, c. 241</sup> power to acquire in mortmain, to hold in perpetuity and to assure in mortmain, within the meaning of the said Act, any real property in Ontario.

3b. Notwithstanding Part IX of *The Corporations Act, 1953*, the Commission has and shall be deemed to <sup>Power to carry on business</sup> have had on and after the 16th day of June, 1938, <sup>1953, c. 19</sup> power to carry on in Ontario any of its business and to exercise its powers in Ontario and is capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in whole or in part in Ontario in the course of or in connection with its business carried on in Ontario.

**2.** This Act may be cited as *The Rainbow Bridge Amend-* <sup>Short title</sup> *ment Act, 1959.*



## CHAPTER 88

## The Reciprocal Enforcement of Maintenance Orders Act, 1959

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "certified copy", in relation to an order of a court, means a copy of the order certified by the proper officer of the court to be a true copy;
- (b) "court" means an authority having statutory jurisdiction to make maintenance orders; R.S.O. 1950, c. 334, s. 1, cls. (a, b).
- (c) "maintenance order" means an order or certificate of a court for the periodical payment of money as alimony or as maintenance; R.S.O. 1950, c. 334, s. 1, cl. (d), *amended*.
- (d) "reciprocating state" means a state declared under section 14 to be a reciprocating state. *New*.

2.—(1) Where, either before or after the coming into force of this Act, a maintenance order has been made against a person by a court in a reciprocating state and a certified copy of the order has been transmitted by the proper officer of the reciprocating state to the Attorney-General, the Attorney-General shall send a certified copy of the order for registration to the proper officer of a court in Ontario and on receipt thereof the order shall be registered. R.S.O. 1950, c. 334, s. 2 (1), *part, amended*.

(2) The court in Ontario in which an order is to be registered shall, if the court in the reciprocating state by which the order was made was a court of superior jurisdiction, be the Supreme Court and, if that court was not a court of

superior

superior jurisdiction, be such court in Ontario as is determined by the Attorney-General. R.S.O. 1950, c. 334, s. 2 (2), *amended*.

Effect of  
registration

(3) An order registered under subsection 1 has from the date of its registration the same force and effect and, subject to this Act, all proceedings may be taken thereon as if it had been an order originally obtained in the court in which it was so registered and that court has power to enforce the order and its officers shall take all proper steps so to do. R.S.O. 1950, c. 334, s. 2 (1), *part*; s. 6 (1), *part*, *amended*.

Filing of  
orders in  
juvenile  
and family  
courts

(4) A copy of an order registered in the Supreme Court under subsection 1 may be filed in the juvenile and family court having jurisdiction where the person ordered to pay the alimony or maintenance resides and, when so filed, it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*. *New*.

R.S.O. 1950,  
c. 102

Conversion  
to  
Canadian  
currency

(5) A maintenance order that makes payable sums of money expressed in a currency other than the currency of Canada shall not be registered under subsection 1 until the court in which it is sought to be registered, or, where that court is the Supreme Court, the registrar of that court, has determined the equivalent of the sums so payable in the currency of Canada on the basis of the rate of exchange prevailing on the date on which the order was made as ascertained from any branch of any chartered bank, and the court or the registrar, as the case may be, shall certify on the order the sums so determined expressed in the currency of Canada, and the order when registered shall be deemed to be an order for the payment of the sums so certified. 1956, c. 77, s. 1, *amended*.

Transmis-  
sion of  
orders  
made in  
Ontario

**3.** Where, either before or after the coming into force of this Act, a court in Ontario has made a maintenance order and it is proved to the court in Ontario that the person against whom the order was made is resident in a reciprocating state, the court in Ontario shall, on the request of the person in whose favour the order was made, send a certified copy of the order to the Attorney-General for transmission to the proper officer of the reciprocating state. R.S.O. 1950, c. 334, s. 3, *part*, *amended*.

Provisional  
order  
against  
person  
residing  
outside  
Ontario

**4.—(1)** Where an application is made to a court in Ontario for a maintenance order and it is proved to the court in Ontario that the person against whom the order was made is resident in a reciprocating state, the court in Ontario may, in the absence of that person and without service of notice on him, if after hearing the evidence it is satisfied of the

justice of the application, make any maintenance order that it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but an order so made is provisional only and has no effect until it is confirmed by a court in the reciprocating state.

(2) Where the evidence of a witness who is examined on an application mentioned in subsection 1 is not taken in short-hand, the evidence shall be put into the form of a deposition and the deposition shall be read over and signed by the witness and the person presiding at the hearing. R.S.O. 1950, c. 334, s. 4 (1, 2), *amended*.

Depositions  
and  
transcripts

(3) Where a provisional order has been made under subsection 1,

Preparation  
of state-  
ments and  
transmission  
of  
documents  
to Attorney-  
General

(a) the court shall prepare,

(i) a statement showing the grounds on which the making of the order might have been opposed if the person against whom the order was made had been duly served with a summons and had appeared at the hearing, and

(ii) a statement showing the information that the court possesses for facilitating the identification of the person against whom the order was made and ascertaining his whereabouts; and

(b) the court shall send to the Attorney-General for transmission to the proper officer of the reciprocating state,

(i) a certified copy of the order,

(ii) the depositions or a certified copy of the transcript of the evidence, and

(iii) the statements referred to in clause *a*. R.S.O. 1950, c. 334, s. 4 (4, 5), *amended*.

(4) Where a provisional order made under this section has come before a court in a reciprocating state for confirmation and the order has by that court been remitted to the court in Ontario that made the order for the purpose of taking further evidence, the court in Ontario shall, after giving the notice prescribed by the rules, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

Power to  
take new  
evidence  
on renvoy



Further  
powers on  
renvoy

(5) Where upon the hearing of the evidence taken under subsection 4 it appears to the court in Ontario that the order ought not to have been made, the court in Ontario may rescind the order, but in any other case the depositions or a certified copy of the transcript of the evidence shall be sent to the Attorney-General and dealt with in like manner as the depositions or transcript of the original evidence. R.S.O. 1950, c. 334, s. 4 (7, 8), *amended*.

Power of  
original  
court to  
vary or  
rescind

(6) The confirmation of a provisional order made under this section does not affect any power of the court in Ontario that originally made the order to vary or rescind the order, but an order varying an original order has no effect until it is confirmed in like maner as the original order. R.S.O. 1950, c. 334, s. 4 (9), *part, amended*.

Transmis-  
sion of  
varying or  
rescinding  
order

(7) Where, after a provisional order made under this section is confirmed, the court in Ontario that originally made the order makes a varying or rescinding order, that court shall send a certified copy thereof, together with the depositions or a certified copy of the transcript of any new evidence adduced before the court, to the Attorney-General for transmission to the proper officer of the reciprocating state in which the original order was confirmed. R.S.O. 1950, c. 334, s. 4 (9), *part, amended*.

Right of  
appeal

(8) An applicant for a provisional order under this section has the same right of appeal, if any, against a refusal to make the order as he would have had against a refusal to make a maintenance order if a summons had been duly served on the person against whom the order is sought to be made. R.S.O. 1950, c. 334, s. 4 (10), *amended*.

Confirmation  
of orders  
made  
outside  
Ontario

5.—(1) Where,

- (a) a maintenance order has been made by a court in a reciprocating state and the order is provisional only and has no effect until confirmed by a court in Ontario; and
- (b) a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed if the person against whom the order was made had been a party to the proceedings, is received by the Attorney-General; and
- (c) it appears to the Attorney-General that the person against whom the order was made is resident in Ontario,



the Attorney-General may send the documents to the proper officer of the Supreme Court if the court in the reciprocating state by which the order was made was a court of superior jurisdiction or to such court as is determined by the Attorney-General, if the court in the reciprocating state by which the order was made was not a court of superior jurisdiction, and upon receipt of the documents the court shall issue a summons calling upon the person against whom the order was made to show cause why the order should not be confirmed, and cause it to be served upon such person.

(2) At a hearing under this section, the person on whom the summons was served may raise any defence that he might have raised in the original proceedings if he had been a party thereto, but no other defence, and the statement from the court that made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings is conclusive evidence that those grounds are grounds on which objection may be taken.

(3) Where, at a hearing under this section, the person who was served with the summons does not appear or, having appeared, fails to satisfy the court in Ontario that the order ought not to be confirmed, the court in Ontario may confirm the order, either without modification or with such modifications as the court, after hearing the evidence, considers just.

(4) Where the person against whom a summons was issued under this section appears at the hearing and satisfies the court in Ontario that, for the purpose of any defence, it is necessary to remit the case to the court in the reciprocating state that made the provisional order for the taking of any further evidence, the court in Ontario may so remit the case and adjourn the proceedings for the purpose.

(5) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the court in Ontario that confirmed it and, where on an application for rescission or variation the court in Ontario is satisfied that it is necessary to remit the case to the court in the reciprocating state that made the order for the purpose of taking further evidence, the court in Ontario may so remit the case and adjourn the proceedings for the purpose.

(6) Where an order has been confirmed under this section, the person bound thereby has the same right of appeal, if any, against the confirmation of the order as he would have had

against

against the making of the order if the order had been made by the court in Ontario that confirmed the order. R.S.O. 1950, c. 334, s. 5, *amended*.

Effect of  
confirmation

(7) An order confirmed under this section has from the date of its confirmation the same force and effect and, subject to this Act, all proceedings may be taken thereon as if it had been an order originally obtained in the court in Ontario in which it was so confirmed and that court has power to enforce the order and its officers shall take all proper steps so to do. R.S.O. 1950, c. 334, s. 6 (1), *part, amended*.

Conversion  
to Canadian  
currency

(8) Where a provisional order sought to be confirmed under this section makes payable sums of money expressed in a currency other than the currency of Canada, the confirming court, or, where that court is the Supreme Court, the registrar of that court, shall determine the equivalent of the sums so payable in the currency of Canada on the basis of the rate of exchange prevailing on the date on which the provisional order was made as ascertained from any branch of any chartered bank, and the confirming court or the registrar, as the case may be, shall certify on the order when confirmed the sums so determined expressed in the currency of Canada, and the order when confirmed shall be deemed to be an order for the payment of the sums so certified. *New*.

Transmis-  
sion of  
document  
by Attorney-  
General to  
reciprocating  
state

6. Where under this Act a document is sent to the Attorney-General for transmission to the proper officer of a reciprocating state, the Attorney-General shall transmit the document accordingly. R.S.O. 1950, c. 334, s. 3, *part*; s. 4 (6), *amended*.

Determina-  
tion of  
court by  
Attorney-  
General

7. The determination of a court by the Attorney-General does not prevent him from determining another court with respect to the same order. *New*.

Forms,  
rules of  
practice

8. The Lieutenant-Governor in Council may prescribe forms and make rules prescribing the practice and procedure, including costs, under this Act. R.S.O. 1950, c. 334, s. 7, *amended*.

Proof of  
documents  
signed by  
officer  
of court

9. A document purporting to be signed by a judge or officer of a court in a reciprocating state shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document. R.S.O. 1950, c. 334, s. 8, *amended*.

**10.** Depositions or transcripts of evidence taken in a court in a reciprocating state for the purposes of this Act may be received in evidence in the courts in Ontario. R.S.O. 1950, c. 334, s. 9, *amended*. Depositions, etc., to be evidence

**11.** Where a maintenance order sought to be registered in a court in Ontario or a provisional order sought to be confirmed by a court in Ontario under this Act or any accompanying document is in a language other than the English language, the certified copy of the maintenance order or the provisional order, as the case may be, and any accompanying document shall have attached a translation in the English language certified as being a true translation by the court in the reciprocating state that made the order, in which case the order and any accompanying document shall be deemed to be in the English language. *New*. Language

**12.** Where a maintenance order sought to be registered in a court in Ontario or a provisional order sought to be confirmed by a court in Ontario under this Act or any accompanying document uses terminology different from the terminology used in Ontario, the difference shall not vitiate any proceedings under this Act. *New*. Terminology

**13.** Nothing in this Act deprives a person of the right to obtain a maintenance order instead of proceeding under this Act. *New*. Saving

**14.** Where the Lieutenant-Governor in Council is satisfied that reciprocal provisions will be made by a state in or outside Canada for the enforcement in that state of maintenance orders made in Ontario, the Lieutenant-Governor in Council may by order declare that state to be a reciprocating state for the purposes of this Act. R.S.O. 1950, c. 334, s. 10, *amended*. Designation of reciprocating states

**15.** *The Reciprocal Enforcement of Maintenance Orders Act* and *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1956* are repealed. R.S.O. 1950, c. 334; 1956, c. 77, repealed

**16.** This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Act, 1959*. Short title



# CHAPTER 89

## An Act to amend The Regulations Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subclause iii of clause *e* of section 1 of *The Regulations Act*, as amended by section 1 of *The Regulations Amendment Act, 1956*, is repealed and the following substituted therefor: R.S.O. 1950, c. 337, s. 1, cl. *e*, subcl. iii, re-enacted

- (iii) an order or direction of the Lieutenant-Governor in Council under section 5, 28 or 39, subsection 9 of section 40 or subsection 1 of section 63 of *The Highway Improvement Act, 1957* or a designation by the Minister of Highways under subsection 1 of section 84 of that Act, or

. . . . .

(2) No order, direction or designation heretofore made and referred to in subclause iii of clause *e* of section 1 of *The Regulations Act*, as re-enacted by subsection 1, shall be deemed to be invalid or of no effect for the reason that such order, direction or designation was not filed or published as required by that Act. Validity of past orders confirmed R.S.O. 1950, c. 337

(3) This section does not apply to affect any proceeding commenced on or before the 1st day of January, 1959, and any such proceeding may be disposed of as if this section had not been passed. Exception

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Regulations Amendment Act, 1959*. Short title





## CHAPTER 90

## An Act to provide for the Consolidation and Revision of the Regulations

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Lachlan Randolph MacTavish, one of Her Majesty's Counsel, and Arthur Norman Stone, a member of the Bar of Ontario, Registrar of Regulations and Assistant Registrar of Regulations respectively, or such other person or persons as the Lieutenant-Governor in Council may appoint, are hereby appointed commissioners under the direction of the Attorney-General to consolidate and revise in accordance with this Act the regulations filed under *The Regulations Act*. Commissioners,  
appointment  
R.S.O. 1950,  
c. 337

(2) The commissioners and such persons as may assist them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant-Governor in Council may fix. remunera-  
tion

**2.** The commissioners shall examine the Consolidated Regulations of Ontario, 1950, and the regulations filed under *The Regulations Act* after the 1st day of January, 1951, and before the 31st day of December, 1960, and shall arrange, consolidate and revise such regulations in accordance with this Act. Duties

**3.** In the performance of their duties under this Act, the commissioners may omit any regulation that is obsolete, may alter the numbering and arrangement of any regulation, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority that made the regulation or to reconcile seemingly inconsistent provisions or to correct clerical, grammatical or typographical errors. Powers

Printed  
roll to be  
deposited  
with  
Clerk of  
Assembly

**4.** As soon as the commissioners report the completion of the consolidation and revision, the Lieutenant-Governor may cause a printed roll thereof, attested by his signature and countersigned by the Attorney-General, to be deposited in the office of the Clerk of the Assembly.

Proclama-  
tion

**5.—(1)** After the deposit of the roll pursuant to section 4, the Lieutenant-Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation "Revised Regulations of Ontario, 1960".

Idem

**(2)** On and after the day so proclaimed, all regulations and parts of regulations not contained in the roll are revoked.

Copies  
printed  
by  
Queen's  
Printer  
to be  
evidence

**6.** Copies of the Revised Regulations of Ontario, 1960 as printed by the Queen's Printer shall be received as evidence of the regulations as consolidated and revised under this Act in all courts and places whatsoever.

Distribution  
of copies

**7.—(1)** The Revised Regulations of Ontario, 1960 shall be distributed in such numbers and to such persons and in such manner as the Lieutenant-Governor in Council may order.

Idem

**(2)** The Lieutenant-Governor in Council may make a list of the persons and classes of persons to whom the Revised Regulations of Ontario, 1960 may be distributed free of charge and may fix the price at which copies may be sold by the Queen's Printer.

This Act  
to be  
printed  
with  
R.R.O. 1960

**8.** This Act shall be printed with the Revised Regulations of Ontario, 1960 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1960.

How regu-  
lations may  
be cited

**9.** Regulations in the Revised Regulations of Ontario, 1960 may be cited and referred to as "Revised Regulations of Ontario, 1960, Regulations . . .", or the abbreviation "R.R.O. 1960, Regs. . .", adding in each case the number of the particular Regulations.

Short title

**10.** This Act may be cited as *The Regulations Revision Act, 1959*.

## CHAPTER 91

**An Act to amend  
The Sanatoria for Consumptives Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 47 of *The Sanatoria for Consumptives Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 346, s. 47,  
re-enacted

47. Any patient in a sanatorium who is unwilling or unable to conduct himself in such a manner as not to expose other patients or other persons to danger of infection or whose conduct is detrimental to the recovery of other patients may, upon the complaint of the superintendent or a duly qualified medical practitioner on the staff of the sanatorium who is designated by him, be apprehended by any peace officer and brought before a magistrate who may, if he finds any such condition to exist, order that the patient be segregated from the other patients in a separate part of the sanatorium or any other place and there detained for a period of not more than six months. Procedure  
for segre-  
gation of  
recalcitrant  
patients

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1959*. Short title



## CHAPTER 92

# An Act to amend The Schools Administration Act, 1954

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 37 of *The Schools Administration Act, 1954* is amended by adding thereto the following subsection: 1954, c. 86,  
s. 37,  
amended

(1a) A board may by resolution provide for contributing toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act, 1957*. Contributions re Ontario hospital care plan  
1957, c. 46

**2.** Subsection 4 of section 38 of *The Schools Administration Act, 1954* is repealed and the following substituted therefor: 1954, c. 86,  
s. 38,  
subs. 4,  
re-enacted

(4) In the case of an equality of votes at the election of a chairman or vice-chairman, the candidates shall draw lots to fill the position of chairman or vice-chairman, as the case may be. Where equality of votes

**3.** Subsection 2 of section 42 of *The Schools Administration Act, 1954* is amended by striking out "nor to be a member of any other board having jurisdiction in the whole or any part of the area in which the board by which he is employed has jurisdiction" in the second, third and fourth lines, so that the subsection shall read as follows: 1954, c. 86,  
s. 42,  
subs. 2,  
amended

(2) A teacher is not eligible to be a member of the board by which he is employed. Teachers disqualified as trustees

**4.** Section 43 of *The Schools Administration Act, 1954* is amended by adding thereto the following subsection: 1954, c. 86,  
s. 43,  
amended

(2a) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being related by blood or marriage to a person employed by the board. Relative of employee of board

1954, c. 86,  
s. 58,  
amended

**5.** Section 58 of *The Schools Administration Act, 1954*, as amended by section 3 of *The Schools Administration Amendment Act, 1957*, is further amended by adding thereto the following subsection:

Building  
on land  
prohibited

(3a) So long as land acquired by a board of a city or town under subsection 1 is held by the board, no school building or other permanent improvement shall be constructed on such land until the land is included within the limits of the city or town.

Commence-  
ment

**6.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1959.

Short title

**7.** This Act may be cited as *The Schools Administration Amendment Act, 1959*.



## CHAPTER 93

**An Act to amend  
The Secondary Schools and Boards of  
Education Act, 1954**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of subsection 3 of section 1 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87,  
s. 1, subs. 3,  
cl. *b*,  
re-enacted

(*b*) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount at least equal to the total assessment of the property taxable for secondary school purposes in the secondary school district divided by the number of names that are designated on the assessment rolls as owners of such property.

(2) Clause *b* of subsection 4 of the said section 1 is repealed and the following substituted therefor: 1954, c. 87,  
s. 1, subs. 4,  
cl. *b*,  
re-enacted

(*b*) if he or his parent or guardian is assessed in the part of the county that is not within a secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount at least equal to the total assessment of the taxable property in such part of the county divided by the number of names that are designated on the assessment rolls as owners of such property.

**2.** *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following section: 1954, c. 87,  
amended

15*a*. No by-law discontinuing, or detaching the whole or any part of a municipality from, a high school district that includes a city or separated town shall be effectual unless it is approved by a by-law passed Dis-  
continuing  
or decreasing  
districts  
that include  
a city or  
separated  
town

before

before the 1st day of July in the same year by the council of each city and separated town in the high school district.

1954, c. 87,  
s. 71, subs. 1,  
amended

**3.** Subsection 1 of section 71 of *The Secondary Schools and Boards of Education Act, 1954* is amended by striking out “or” at the end of clause *b*, by adding “or” at the end of clause *c* and by adding thereto the following clause:

(*d*) a dispute as to whether or not a person is entitled to attend a secondary school as a resident or county pupil cannot be settled between a board and the person or his parent or guardian.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1959*.

## CHAPTER 94

**An Act to provide for the  
Consolidation and Revision of the Statutes**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** Lachlan Randolph MacTavish, one of Her Majesty's Counsel, and Warner Cox Alcombrack, a member of the Bar of Ontario, Legislative Counsel and Municipal Legislative Counsel respectively, or such other person or persons as the Lieutenant-Governor in Council may appoint, are hereby appointed commissioners under the direction of the Attorney-General to consolidate and revise the public general statutes of Ontario in accordance with this Act. Commissioners, appointment

(2) The commissioners and such persons as may assist them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant-Governor in Council may fix. remuneration

**2.** The commissioners shall examine the Revised Statutes of Ontario, 1950, and the public general statutes of Ontario enacted after the 31st day of December, 1950, and before the 1st day of July, 1960, and shall arrange, consolidate and revise such statutes in accordance with this Act. Duties

**3.** In the performance of their duties under this Act, the commissioners may omit any enactment that is not of general application or that is obsolete, may alter the numbering and arrangement of any enactment, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent enactments or to correct clerical, grammatical or typographical errors. Powers

Printed  
roll

4. As soon as the commissioners report the completion of the consolidation and revision authorized by this Act, the Lieutenant-Governor may cause a printed roll thereof, attested by his signature and countersigned by the Attorney-General, to be deposited in the office of the Clerk of the Assembly.

Appendices

5. There shall be appended to the roll,

- (a) an appendix marked "Appendix A", similar in form to Appendix A appended to the Revised Statutes of Ontario, 1950, containing certain Imperial Acts and parts of Acts relating to property and civil rights that were consolidated in The Revised Statutes of Ontario, 1897, Volume III, pursuant to chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1960 and are in force in Ontario subject thereto; and
- (b) an appendix marked "Appendix B", similar in form to Appendix B appended to the Revised Statutes of Ontario, 1950, containing certain Imperial statutes and statutes of Canada relating to the constitution and boundaries of Ontario.

Schedules

6.—(1) There shall be appended to the roll,

- (a) a schedule marked "Schedule A", similar in form to Schedule A appended to the Revised Statutes of Ontario, 1950, showing the Acts contained in the Revised Statutes of Ontario, 1950 and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1960 take effect and the extent of such repeal; and
- (b) a schedule marked "Schedule B", similar in form to Schedule B appended to the Revised Statutes of Ontario, 1950, showing the Acts and parts of Acts that are repealed, superseded and consolidated in the Revised Statutes of Ontario, 1960 and showing also the portions of the Revised Statutes of Ontario, 1950 and Acts passed thereafter that are not consolidated.

Effect of  
mention of  
an Act in  
schedules

(2) The mention of an Act or a part thereof in a schedule shall not be construed as a declaration that the Act or part was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1960.

Proclama-  
tion

7.—(1) After the deposit of the roll pursuant to section 4, the Lieutenant-Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation "Revised Statutes of Ontario, 1960".

(2) On and after the day so proclaimed, the roll shall be in force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and after that day, and on and after that day all the enactments in the several Acts and parts of Acts in Schedule A thereto shall be repealed to the extent mentioned in the third column of the schedule.

8. Any reference in an unrepealed and unconsolidated Act or in an instrument or document to an Act or enactment repealed and consolidated shall, after the Revised Statutes of Ontario, 1960 come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the Act or enactment in the Revised Statutes of Ontario, 1960 having the same effect as such repealed and consolidated Act or enactment.

9. Copies of the Revised Statutes of Ontario, 1960 as printed by the Queen's Printer shall be received as evidence of the Revised Statutes of Ontario, 1960 in all courts and places whatsoever.

10.—(1) The laws relating to the distribution of the printed copies of the sessional statutes do not apply to the Revised Statutes of Ontario, 1960, but the same shall be distributed in such numbers and to such persons and in such manner as the Lieutenant-Governor in Council directs.

(2) The Lieutenant-Governor in Council may make a list of the persons and classes of persons to whom the Revised Statutes of Ontario, 1960 may be distributed free of charge and may fix the price at which copies may be sold by the Queen's Printer.

11. This Act shall be printed with the Revised Statutes of Ontario, 1960 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1960.

12. A chapter of the Revised Statutes of Ontario, 1960 may be cited and referred to in any Act, proceeding, instrument or document whatever either by its title as an Act or by using the expression "Revised Statutes of Ontario, 1960, chapter . . .", or the abbreviation "R.S.O. 1960, c. . .", adding in each case the number of the particular chapter.

13. This Act may be cited as *The Statutes Revision Act, 1959*.







## CHAPTER 95

## An Act to amend The Succession Duty Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Succession Duty Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 378, s. 1,  
cl. *d*,  
re-enacted

(*d*) "child" means,

- (i) legitimate child of the deceased,
- (ii) person adopted by the deceased,
- (iii) person to whom the deceased or the spouse of the deceased stood *in loco parentis* during the infancy of such person, or
- (iv) legitimate lineal descendant of any person mentioned in subclause i, ii or iii.

2.—(1) Section 6 of *The Succession Duty Act*, as amended by section 2 of *The Succession Duty Amendment Act, 1953*, is further amended by adding thereto the following subsections:

R.S.O. 1950,  
c. 378, s. 6,  
amended

(1*a*) Notwithstanding subsection 1, no duty shall be levied on any property situate in Ontario passing on the death of the deceased to or for the benefit of a dependant or on him,

No duty to  
be levied  
on a  
dependant  
under  
certain  
circum-  
stances

- (*a*) where the sum of the value of the property passing on the death of the deceased to or for the benefit of dependants and of the value of all dispositions to them, that do not come within clause *g* of subsection 1 of section 4, does not exceed the dependants' allowance; or
- (*b*) where the sum of the value of the property passing on the death of the deceased to him

or

or for his benefit and of the value of all dispositions to him, that do not come within clause *g* of subsection 1 of section 4, does not exceed the individual dependant allowance.

Duty levied  
on a  
dependant  
to be  
reduced-  
notch clause

(1*b*) The duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced to an amount equal to,

(*a*) the portion of the amount by which the sum of the value of the property passing on the death of the deceased to or for the benefit of dependants and of the value of all dispositions to them, that do not come within clause *g* of subsection 1 of section 4, exceeds the dependants' allowance, as is in the same ratio to the whole that the duty levied on property passing to or for the benefit of such dependant and on him bears to the duty levied on property passing to or for the benefit of all dependants and on them; or

(*b*) the amount by which the sum of the value of the property passing on the death of the deceased to or for the benefit of such dependant and of all dispositions to him, that do not come within clause *g* of subsection 1 of section 4, exceeds the individual dependant allowance,

whichever is the lesser.

R.S.O. 1950,  
c. 378, s. 6,  
subs. 2,  
cl. *a*,  
re-enacted

(2) Clause *a* of subsection 2 of the said section 6 is repealed and the following substituted therefor:

(*a*) exceeds \$20,000 and does not exceed \$30,000—6 per cent plus  $\frac{10}{100}$  of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$20,000.

R.S.O. 1950,  
c. 378, s. 6,  
subs. 2,  
cl. *aa*,  
amended

(3) Clause *aa* of subsection 2 of the said section 6 is amended by adding at the end thereof "whether or not the rate mentioned in clause *a* applies", so that the clause shall read as follows:

(*aa*) exceeds \$10,000 and does not exceed \$60,000— $2\frac{1}{2}$  per cent plus  $\frac{1}{100}$  of 1 per cent for each full \$1,000 by which the amount exceeds \$10,000, whether or not the rate mentioned in clause *a* applies.

(4) The said section 6 is further amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 378, s. 6,  
amended

(6) In this section,

Interpre-  
tation

(a) “dependant” means,

- (i) wife of the deceased,
- (ii) infirm husband of the deceased where the deceased is survived by a dependent child, or
- (iii) dependent child of the deceased;

(b) “dependants’ allowance” means,

- (i) where the deceased is survived by a wife and no dependent children, \$60,000,
- (ii) where the deceased is survived by a wife and a dependent child or children, an amount equal to the sum of \$60,000 and \$10,000 for each dependent child,
- (iii) where the deceased is survived by an infirm husband and one dependent child, \$70,000,
- (iv) where the deceased is survived by an infirm husband and more than one dependent child, an amount equal to the sum of \$60,000 and \$10,000 for each dependent child, or
- (v) where the deceased is not survived by a spouse but is survived by a dependent child or children, an amount equal to the product expressed in dollars of 15,000 and the number of dependent children;

(c) “dependent child” means,

- (i) legitimate child of the deceased,
- (ii) person adopted by the deceased, or
- (iii) person to whom the deceased or the spouse of the deceased stood *in loco parentis* during the infancy of such person,

who

who at the time of the death of the deceased was under twenty-one years of age or was twenty-one years of age or over and dependent upon the deceased or the spouse of the deceased or both for support by reason of being infirm;

(d) "individual dependant allowance" means,

- (i) in the case of the wife of the deceased, \$60,000,
- (ii) in the case of the infirm husband of the deceased where the deceased is survived by a dependent child, \$60,000,
- (iii) in the case of a dependent child of the deceased where the deceased is survived by a wife or infirm husband, \$10,000, or
- (iv) in the case of a dependent child of the deceased where the deceased is not survived by a spouse, \$15,000;

(e) "infirm" means a mental or physical condition in a person at the time of the death of the deceased that renders that person incapable ordinarily of pursuing any substantially gainful occupation.

R.S.O. 1950,  
c. 378, s. 9,  
subs. 2a  
(1952, c. 102,  
s. 2),  
amended

**3.** Subsection 2a of section 9 of *The Succession Duty Act*, as enacted by section 2 of *The Succession Duty Amendment Act, 1952*, is amended by striking out "\$1,500" in the second line and inserting in lieu thereof "\$2,500", so that the subsection shall read as follows:

Certain  
payments  
authorized  
without  
Treasurer's  
consent

(2a) Notwithstanding anything in this Act, any person may make payment not exceeding \$2,500 under any pension fund, plan or scheme of general application to employees of whom the deceased was one, without the consent of the Treasurer, where payment is made to or for the benefit of any member or members of the family of the deceased, and notice of the making of payment shall be transmitted forthwith to the Treasurer.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Succession Duty Amendment Act, 1959*.

## CHAPTER 96

## An Act to amend The Summary Convictions Act

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of subsection 2 of section 4 of *The Summary Convictions Act* is amended by striking out “Highways” in the second line and inserting in lieu thereof “Transport”. R.S.O. 1950,  
c. 379, s. 4,  
subs. 2, cl. *c*,  
amended

(2) Clause *a* of subsection 3 of the said section 4 is amended by striking out “Highways” in the fourth line and inserting in lieu thereof “Transport”. R.S.O. 1950,  
c. 379, s. 4,  
subs. 3, cl. *a*,  
amended

(3) Clause *b* of subsection 3 of the said section 4 is amended by striking out “Highways” in the seventh line and inserting in lieu thereof “Transport”. R.S.O. 1950,  
c. 379, s. 4,  
subs. 3, cl. *a*,  
amended

(4) Subsection 6 of the said section 4 is amended by inserting after “Act” in the second line “*The Public Commercial Vehicles Act, The Public Vehicles Act or The Motor Vehicle Fuel Tax Act, 1956*”, so that the subsection shall read as follows: R.S.O. 1950,  
c. 379, s. 4,  
subs. 6,  
amended

(6) Where a summons is issued for a violation of any of the provisions of *The Highway Traffic Act, The Public Commercial Vehicles Act, The Public Vehicles Act or The Motor Vehicle Fuel Tax Act, 1956* against a person who resides outside of Ontario, whether within or without Canada, the summons shall be deemed to have been duly served when it has been sent by prepaid post to the last or usual place of abode of the person summoned and every such summons shall have endorsed upon its face in bold face type a notice as follows: “Take notice that the within summons has been issued against you for the offence indicated therein and is served by post upon a non-resident of Ontario in accordance with *The Summary Convictions Act*. If you do not appear in person or by counsel or other representative to make your defence at the time and place indicated in the summons, the charge will be proceeded with in your absence.” Service  
outside  
Ontario for  
violations of  
R.S.O. 1950,  
cc. 167, 304,  
322;  
1956, c. 49



R.S.O. 1950,  
c. 379, s. 4,  
subs. 7, cl. *a*,  
amended (5) Clause *a* of subsection 7 of the said section 4 is amended by striking out "Highways" in the sixth line and inserting in lieu thereof "Transport".

R.S.O. 1950,  
c. 379, s. 4,  
subs. 7, cl. *b*,  
amended (6) Clause *b* of subsection 7 of the said section 4 is amended by striking out "Highways" in the tenth line and inserting in lieu thereof "Transport".

R.S.O. 1950,  
c. 379, s. 4,  
subs. 11,  
cl. *c*,  
subcl. iii,  
amended (7) Subclause iii of clause *c* of subsection 11 of the said section 4 is amended by striking out "Highways" in the first line and inserting in lieu thereof "Transport".

R.S.O. 1950,  
c. 379, s. 12,  
amended **2.** Section 12 of *The Summary Convictions Act* is amended by adding thereto the following subsection:

Other  
rights of  
appeal not  
affected (1*a*) Subsection 1 does not affect any right of appeal that is otherwise provided by law.

Commence-  
ment **3.** This Act comes into force on the day it receives Royal Assent.

Short title **4.** This Act may be cited as *The Summary Convictions Amendment Act, 1959*.



## CHAPTER 97

**An Act for granting to Her Majesty certain  
sums of money for the Public Service for  
the fiscal years ending the 31st day  
of March, 1959, and the 31st day  
of March, 1960**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable Preamble  
John Keiller Mackay, Lieutenant-Governor of the  
Province of Ontario, and the estimates accompanying the  
same, that the sums mentioned in the schedules to this Act  
are required to defray certain expenses of the public service  
of this Province, not otherwise provided for, for the fiscal  
year ending the 31st day of March, 1959, and for the fiscal  
year ending the 31st day of March, 1960, and for other  
purposes connected with the public service; may it therefore  
please Your Majesty that it be enacted and it is hereby  
enacted by the Queen's Most Excellent Majesty, by and  
with the advice and consent of the Legislative Assembly of  
the Province of Ontario, as follows:

**1.** In addition to the sum of \$741,160,500 granted by *The* \$37,442,000  
granted for  
fiscal year  
1958-59  
*Supply Act, 1958*, there may be paid out of the Consolidated  
Revenue Fund a sum not exceeding in the whole \$37,442,000  
to be applied towards defraying the several charges and  
expenses of the public service, not otherwise provided for,  
from the 1st day of April, 1958, to the 31st day of March, 1959,  
as set forth in Schedule A to this Act, and such sum shall be  
paid and applied only in accordance with the votes and items  
of the supplementary estimates upon which such schedule is  
based.

**2.** There may be paid out of the Consolidated Revenue \$833,468,000  
granted for  
fiscal year  
1959-60  
Fund a sum not exceeding in the whole \$833,468,000 to be  
applied towards defraying the several charges and expenses  
of the public service, not otherwise provided for, from the  
1st day of April, 1959, to the 31st day of March, 1960, as set  
forth in Schedule B to this Act, and such sum shall be paid

and

and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounting  
for  
expenditure

**3.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Supply Act, 1959*.

## SCHEDULE A

Education Department.....	\$ 1,125,000
Health Department.....	5,317,000
Highways Department.....	25,000,000
Municipal Affairs Department.....	5,000,000
Treasury Department.....	1,000,000
	<hr/>
	\$ 37,442,000
	<hr/>

## SCHEDULE B

Agriculture Department.....	\$ 16,201,000
Attorney-General's Department.....	20,839,000
Economics Department.....	360,000
Education Department.....	193,760,000
Health Department.....	81,161,000
Highways Department.....	236,235,000
Insurance Department.....	415,000
Labour Department.....	16,836,000
Lands and Forests Department.....	27,848,000
Lieutenant-Governor's Office.....	21,000
Mines Department.....	3,106,000
Municipal Affairs Department.....	34,709,000
Planning and Development Department.....	18,652,000
Prime Minister's Office.....	144,000
Provincial Auditor's Office.....	421,000
Provincial Secretary's Department.....	3,897,000
Public Welfare Department.....	61,585,000
Public Works Department.....	91,832,000
Reform Institutions Department.....	16,044,000
Transport Department.....	4,581,000
Travel and Publicity Department.....	1,764,000
Treasury Department.....	3,057,000
	<hr/>
	\$833,468,000
	<hr/>



## CHAPTER 98

## An Act to amend The Surrogate Courts Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 8 of section 72 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 380, s. 72, subs. 8, re-enacted

(8) Where a person entitled to notice under subsection 7 is an infant or is of unsound mind and is not a patient in an institution under *The Mental Hospitals Act*, his notice shall be served upon the Official Guardian not less than twenty-one days before the day appointed for the passing of the accounts, and unless such notice is so given such person is not bound by the passing of the accounts. Notice to persons under disability R.S.O. 1950, c. 229

(8a) Where a person entitled to notice under subsection 7 is a patient in an institution under *The Mental Hospitals Act*, his notice shall be served upon the Public Trustee not less than twenty-one days before the day appointed for the passing of the accounts, and unless such notice is so given such person is not bound by the passing of the accounts. Idem, in mental hospital

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Surrogate Courts Amendment Act, 1959*. Short title





## CHAPTER 99

**An Act to amend  
The Teachers' Superannuation Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 384, s. 2,  
subs. 2,  
re-enacted

(2) The Commission shall be composed of, composition

(a) six persons who shall be appointed by the Minister; and

(b) five contributors to the fund who shall be elected by ballot by the contributors to the fund who are members of the teachers' organizations designated in the regulations.

(2) Subsection 6 of the said section 2 is amended by inserting after "office" in the first line "for three years and", so that the subsection shall read as follows: R.S.O. 1950,  
c. 384, s. 2,  
subs. 6,  
amended

(6) Each member shall hold office for three years and until his successor is appointed or elected, as the case may be. term of  
office

(3) Subsection 8 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1950,  
c. 384, s. 2,  
subs. 8,  
re-enacted

(8) Eight members constitute a quorum. quorum

2. Subsection 3 of section 5 of *The Teachers' Superannuation Act*, as amended by section 2 of *The Teachers' Superannuation Amendment Act, 1953*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 384, s. 5,  
subs. 3,  
re-enacted

(3) The actuary of the Commission shall make an actuarial valuation of the fund as of the 31st day Actuarial  
valuation

of December, 1957, and as of the 31st day of December of each third year thereafter, but the Minister may direct him to make additional actuarial valuations of the fund at any time.

R.S.O. 1950,  
c. 384, s. 30,  
subss. 1, 1a  
(1954, c. 93,  
s. 3), re-  
enacted

**3.** Subsection 1, as re-enacted by section 3 of *The Teachers' Superannuation Amendment Act, 1954*, and subsection 1a, as enacted by section 3 of *The Teachers' Superannuation Amendment Act, 1954*, of section 30 of *The Teachers' Superannuation Act* are repealed and the following substituted therefor:

Student  
teachers  
with im-  
pairment

(1) Where the medical examination prescribed for admission to the Ontario College of Education or to a teachers' college discloses in a person a mental or physical impairment, defect or condition, or a history of any of them, that in the opinion of the Commission does not render the person incapable of being employed but might subsequently render him incapable of being employed by re-occurrence, worsening or the development of sequelae or complications, the person shall be admitted to the Ontario College of Education or to the teachers' college only if he signs a consent in the prescribed form to have this section apply to him in the event of his becoming employed.

Re-  
examination

(1a) Any person who has signed a consent under subsection 1 and who has been employed for fourteen or more school years may apply to the Commission for re-examination and, if in the opinion of the Commission the re-examination discloses that the mental or physical impairment, defect or condition in respect of which he signed the consent, or a complication or sequela thereof, is no longer likely to render him incapable of being employed, the Commission may cancel the consent and thereafter this section ceases to apply to him.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
amended

**4.—**(1) Subsection 1 of section 57 of *The Teachers' Superannuation Act* is amended by adding thereto the following clause:

(cc) designating teachers' organizations for the purpose of clause *b* of subsection 2 of section 2.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1, cl. o  
(1953, c. 103,  
s. 26,  
subs. 1),  
subcl. iv,  
amended

(2) Subclause iv of clause *o* of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as re-enacted by subsection 1 of section 26 of *The Teachers' Superannuation Amendment*

*Act, 1953,*

*Act, 1953*, is amended by adding at the end thereof "or of the House of Commons of Canada", so that the subclause shall read as follows:

- (iv) because of duties as members of the Legislative Assembly of Ontario or of the House of Commons of Canada.

**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**6.** This Act may be cited as *The Teachers' Superannuation* <sup>Short title</sup>  
*Amendment Act, 1959*.



## CHAPTER 100

## An Act to amend The Theatres Act, 1953

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Theatres Act, 1953* is amended by <sup>1953, c. 104,</sup> adding thereto the following clause: <sub>s. 1, amended</sub>

(ff) "Minister" means Minister of Travel and Publicity.

**2.** Section 6 of *The Theatres Act, 1953* is amended by <sup>1953, c. 104,</sup> striking out "Treasurer" in the second line and inserting in <sub>s. 6, amended</sub> lieu thereof "Minister", so that the section shall read as follows:

(6) Any projector or film seized by an inspector under this Act shall be disposed of as directed by the <sup>Disposal of seized projector or film</sup> Minister.

**3.** *The Theatres Act, 1953* is amended by adding thereto <sup>1953, c. 104,</sup> the following section: <sub>amended</sub>

53a. No film other than film having a cellulose acetate <sup>Safety film</sup> base or a base having equivalent slow-burning characteristics and commonly known as safety film shall be kept or stored in a film exchange or film depot.

**4.—(1)** Subsection 1 of section 58 of *The Theatres Act, 1953* is amended by striking out "Treasurer" in the fourth <sup>1953, c. 104,</sup> line and inserting in lieu thereof "Minister", so that the <sub>s. 58, amended</sub> subsection shall read as follows:

(1) Any person who deems himself aggrieved by a <sup>Appeal</sup> decision of the Board, Director, Assistant Director or an inspector may, within ten days after the receipt of notice in writing of the decision, appeal in writing to the Minister who shall, upon notice to all interested parties, hear the appeal and approve, disapprove or vary the decision appealed against.

1953, c. 104,  
s. 58, subs. 2,  
amended

(2) Subsection 2 of the said section 58 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Suspension  
of licence  
not affected

(2) The making of an appeal under this section does not affect the suspension or cancellation of a licence pending the disposition of the appeal by the Minister.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Theatres Amendment Act, 1959*.



## CHAPTER 101

# An Act to amend The Trade Schools Regulation Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Trade Schools Regulation Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 395, s. 3, re-enacted

3.—(1) Every person desirous of keeping or operating a trade school shall make application for registration or renewal of registration in writing to the Minister in accordance with the regulations. Application for registration of trade schools and renewals

(2) The Minister may require a certificate of a person authorized to inspect a trade school under section 6, certifying as to the safety of the operation and premises of the trade school. Certificate of safety

2. Section 4 of *The Trade Schools Regulation Act* is amended by striking out "and every person who is registered may make application to the Minister for the renewal of his registration in the same manner as is hereinbefore provided in the case of a first registration" in the third, fourth, fifth and sixth lines, so that the section shall read as follows: R.S.O. 1950, c. 395, s. 4, amended

4. Every registration under this Act shall expire on the 31st day of December of the year in respect of which the registration is effected. Expiration of registration

3. *The Trade Schools Regulation Act* is amended by adding thereto the following section: R.S.O. 1950, c. 395, amended

5a. The Minister may refuse to grant a registration or renewal of registration where, in his opinion, the registration or renewal should not be granted. Refusal of registration

4. Section 6 of *The Trade Schools Regulation Act* is amended by inserting after "operated" in the third line "to determine R.S.O. 1950, c. 395, s. 6, amended

the

the safety of the premises and the operation thereof", so that the section shall read as follows:

Power to  
inspect  
trade  
schools

6. The Minister, or any person authorized by him in writing, may inspect any trade school at any time during which it is being kept or operated to determine the safety of the premises and the operation thereof, to observe the method of instruction given therein, and to inspect the business books and records, and all circulars, pamphlets and other material used for advertising the trade school and the instruction afforded therein, and any person who obstructs the Minister or authorized person in making any inspection or observation or who refuses or neglects to produce any business book or record upon demand shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100 and, in default of payment, to imprisonment for a term of not more than two months.

R.S.O. 1950,  
c. 395, s. 7,  
amended

5. Section 7 of *The Trade Schools Regulation Act* is amended by inserting after "instruction" in the fifth line "or is not safe", so that the section shall read as follows:

Cancellation  
of  
registration

7. If, as the result of any inspection of any trade school, or upon being otherwise credibly informed, the Minister is satisfied that a trade school in respect of which registration has been made under this Act is insufficiently provided with the means of instruction or is not safe, or that the charges made for the instruction given are unreasonable, or that any regulation pursuant to this Act is not observed therein, he may cancel the registration, and thereupon the registration and the certificate thereof shall be null and void.

R.S.O. 1950,  
c. 395, s. 10,  
amended

6. Section 10 of *The Trade Schools Regulation Act* is amended by adding thereto the following clauses:

(aa) respecting applications for registration and renewals of registration;

. . . . .

(bb) requiring the approval of the Minister for courses of study, requirements for admission, qualifications of teachers, methods of instruction, and premises and equipment used, in connection with a trade school;

. . . . .

(oo) prescribing forms and providing for the use thereof.

**7.** Section 11 of *The Trade Schools Regulation Act* is repealed R.S.O. 1950,  
c. 395, s. 11,  
re-enacted  
and the following substituted therefor:

11. No trade school for a trade that is designated under Trades  
under  
Schedule A of *The Apprenticeship Act* shall be R.S.O. 1950,  
c. 19  
registered under this Act without the consent of the  
Minister of Labour.

**8.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**9.** This Act may be cited as *The Trade Schools Regulation* Short title  
*Amendment Act, 1959.*



## CHAPTER 102

## An Act to amend The Training Schools Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 15 of *The Training Schools Act*, R.S.O. 1950, c. 396, s. 15, subs. 1, amended as amended by section 1 of *The Training Schools Amendment Act, 1951*, is further amended by striking out "the sum of 90 cents per day" in the sixth and seventh lines and in the amendment of 1951 and inserting in lieu thereof "such sum per day as the Lieutenant-Governor in Council may prescribe", so that the subsection shall read as follows:

- (1) Subject as in this Act may otherwise be provided, Liability of municipality when a boy or girl is sent or admitted to a training school, the municipality to which the boy or girl belongs shall be liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay such sum per day as the Lieutenant-Governor in Council may prescribe towards the cost of maintenance and education of the boy or girl for each actual day's stay of the boy or girl in the training school.

**2.** Section 20 of *The Training Schools Act*, as amended by R.S.O. 1950, c. 396, s. 20, re-enacted section 4 of *The Training Schools Amendment Act, 1957*, is repealed and the following substituted therefor:

- 20.—(1) The Lieutenant-Governor in Council may make Contribution from Province to private training schools regulations providing for the payment to any society maintaining a private training school of a sum per day in respect of any class or classes of boys or girls in the training school out of the moneys appropriated therefor by the Legislature and fixing the amounts thereof.
- (2) The money payable under this section shall be paid How grant to be payable by the Treasurer of Ontario upon the report of an inspector approved by the Minister.

**3.** This Act may be cited as *The Training Schools Amendment Act, 1959*. Short title





## CHAPTER 103

**An Act to amend  
The University of Toronto Act, 1947**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The University of Toronto Act, 1947*, as 1947, c. 112, amended by section 1 of *The University of Toronto Amendment*<sup>s. 1,</sup> *Act, 1955*, is repealed and the following substituted therefor:

**1.** In this Act,

Interpre-  
tation

- (a) "affiliated college" means a college that is affiliated with the University;
- (b) "appointed members" means the members of the Board appointed by the Lieutenant-Governor in Council;
- (c) "Board" means The Governors of the University of Toronto;
- (d) "Chancellor" means Chancellor of the University;
- (e) "college" includes a school or other institution of learning;
- (f) "Committee of Election" means Committee of Election established under this Act;
- (g) "Comptroller" means Comptroller of the University;
- (h) "council" includes The Council of the Faculty of Arts, The Council of University College and the council of every faculty and school;
- (i) "federated college" means a college that is federated with the University;

(j)

- (j) "federated university" means a university that is federated with the University;
- (k) "head", when it refers to the head of a federated university or of a federated college, means the person who is or is certified by the governing body of such university or college to be the head thereof;
- (l) "Librarian" means Librarian of the University;
- (m) "President" means President of the University;
- (n) "property" includes real property and all other property of every nature and kind;
- (o) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (p) "Registrar" means Registrar of the University;
- (q) "Secretary of the Board" means Secretary and Acting Secretary of the Board and includes the office of Bursar of the University;
- (r) "Senate" means Senate of the University;
- (s) "Superintendent" means Superintendent of Buildings and Grounds of the University;
- (t) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;
- (u) "Trinity College" means Trinity College as established and incorporated by the Act passed in the 14th and 15th years of the reign of Her late Majesty Queen Victoria, chaptered 32, and as constituted a university by Royal Charter bearing date the 16th day of July, 1853;
- (v) "University" means University of Toronto;
- (w) "Vice-President" means Vice-President of the University; and

- (x) "Vice-President (Administration)" means Vice-President (Administration) of the University.

**2.** Section 3 of *The University of Toronto Act, 1947* is <sup>1947, c. 112, s. 3, re-enacted</sup> repealed and the following substituted therefor:

3. All appointments in and statutes, by-laws, resolutions <sup>Appoint-ments, statutes, by-laws, etc., continued</sup> and regulations affecting the University and University College and each of them shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board.

**3.** Subsections 3, 4 and 9 of section 5 of *The University of Toronto Act, 1947* are repealed and the following substituted <sup>1947, c. 112, s. 5, subss. 3, 4, 9, re-enacted</sup> therefor:

- (3) The following are declared to be the universities <sup>Federated universities</sup> federated with the University:

- (a) Victoria University;
- (b) Trinity College; and
- (c) The University of St. Michael's College.

- (4) The following are declared to be the colleges <sup>Federated colleges</sup> federated with the University:

- (a) Knox College;
- (b) Wycliffe College; and
- (c) Emmanuel College of Victoria University.

. . . . .

- (9) The arts faculties of Victoria University, Trinity <sup>Arts faculties of Victoria, Trinity and St. Michael's</sup> College and The University of St. Michael's College in their relation to the University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria College, Trinity College and St. Michael's College.

**4.** Subsections 1 and 2 of section 6 of *The University of Toronto Act, 1947* are repealed and the following substituted <sup>1947, c. 112, s. 6, subss. 1, 2, re-enacted</sup> therefor:

- (1) When any university in Ontario determines to sur- <sup>Admission of universities to federation</sup> render its degree-conferring powers, except the power

of conferring degrees in theology, and notifies the Board of such determination, the Board may by statute or by-law declare such university to be federated with the University on and from a day to be named in the statute or by-law, and thereupon and thereafter the power of such federated university to confer degrees, except in theology, shall be suspended.

Publication  
of statute  
or by-law

- (2) Every such statute or by-law shall be published forthwith after the passing thereof in *The Ontario Gazette*.

1947, c. 112,  
s. 31,  
amended

- 5.—(1) Section 31 of *The University of Toronto Act, 1947* is amended by adding after “regulations” in the first line “or by-laws”, so that the section, exclusive of the clauses, shall read as follows:

Regulations  
or by-laws

31. The Board shall have power to make regulations or by-laws,

. . . . .

1947, c. 112,  
s. 31,  
amended

- (2) The said section 31 is further amended by striking out “and” at the end of clause *f*, by adding “and” at the end of clause *g* and by adding thereto the following clause:

Housing  
loans

- (*h*) the making or guaranteeing of loans to members of the teaching or administrative staffs or other employees of the University for housing, on such terms as the Board may deem advisable.

1947, c. 112,  
s. 32, cl. *a*,  
re-enacted

- 6.—(1) Clause *a* of section 32 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor:

Appoint-  
ment of  
President,  
deans,  
professors,  
etc.

- (*a*) appoint the President, the Vice-President, the Vice-President (Administration), the deans of all the faculties, the Librarian, the Registrar, the Comptroller, the Secretary of the Board and the Superintendent of the University, the Principal and the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College, or either of them, and fix their salaries or remuneration and define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board; but no person shall be appointed as Principal of Uni-



versity College, or as a dean of any faculty, or as a member of the teaching staff of the University, or of any faculty or school thereof, or of University College, unless he has been first nominated by the President, and no dean of a faculty or member of the teaching staff of the University, or of any faculty or school thereof, or of University College shall be promoted, and no Principal of University College or dean of a faculty or member of such teaching staff shall be removed from office, except upon the recommendation of the President, but this provision shall not apply where there is a vacancy in the office of President.

(2) Clause *e* of the said section 32 is amended by striking out "Comptroller or the Bursar, or at the office of the Comptroller or the Bursar" in the nineteenth, twentieth and twenty-first lines and inserting in lieu thereof "Vice-President (Administration) or the Secretary of the Board, or at the office of the Vice-President (Administration) or the Secretary of the Board", so that the clause shall read as follows:

- (e) without the consent of the owner or of any person interested therein enter upon, take, use and expropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, or of any other university or college federated with the University at the cost and expense of such federated university or college, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Vice-President (Administration) or the Secretary of the Board, or at the office of the Vice-President (Administration) or the Secretary of the Board, as the case may be.

7. Section 36 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor:

36.—(1) Save as in this Act otherwise expressly provided, the action of the Board in any matter with which

it

it may deal shall be by statute, by-law or resolution, as the Board may determine, but it shall not be essential to the validity of any such statute, by-law or resolution that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board.

Actions  
validated

- (2) Any action heretofore taken by the Board by statute, by-law or resolution in any matter with which the Board had power to deal at the time of the enactment or passing of such statute, by-law or resolution shall be deemed to have been validly taken by the Board.

1947, c. 112,  
s. 42 (1955,  
c. 90, s. 3),  
subs. 1, cl. *a*,  
items 7, 21,  
re-enacted

8.—(1) Items 7 and 21 of clause *a* of subsection 1 of section 42 of *The University of Toronto Act, 1947*, as re-enacted by section 3 of *The University of Toronto Amendment Act, 1955*, are repealed and the following substituted therefor:

7. The President of The University of St. Michael's College.

## 21. The Dean of the Faculty of Law.

1947, c. 112,  
s. 42 (1955,  
c. 90, s. 3),  
subs. 1, cl. *b*,  
item 4,  
re-enacted

(2) Item 4 of clause *b* of subsection 1 of the said section 42 is repealed and the following substituted therefor:

4. Two members by The University of St. Michael's College.

1947, c. 112,  
s. 42 (1955,  
c. 90, s. 3),  
subs. 1, cl. *c*,  
item 10,  
re-enacted

(3) Item 10 of clause *c* of subsection 1 of the said section 42 is repealed and the following substituted therefor:

10. The Faculty of Law, one member.

1947, c. 112,  
s. 49, subs. 1,  
amended

9. Subsection 1 of section 49 of *The University of Toronto Act, 1947* is amended by striking out "or of St. Michael's College" in the fifth line, so that the subsection shall read as follows:

Senate not  
to alter  
representa-  
tion of  
federated  
universities

- (1) Nothing in section 48 shall authorize the Senate to make any change in its composition which affects the rights of representation thereon of a federated university or the faculty of arts thereof, or of a federated college, or of the graduates of a federated university, unless the same is assented to by the federated university or college affected by the change.



**10.**—(1) Subsection 2 of section 62 of *The University of Toronto Act, 1947*, as re-enacted by section 4 of *The University of Toronto Amendment Act, 1955*, is amended by striking out “be elected to or” in the first line, so that the subsection shall read as follows:

- (2) No person shall occupy the office of Chancellor unless he is a British subject and his customary place of residence is in the Province of Ontario.

(2) Subsection 3 of the said section 62 is amended by striking out “be elected to or” in the first line, so that the subsection shall read as follows:

- (3) No person shall occupy the office of Chancellor who is the President of the University, the Principal of University College, the head of a federated university, the head of a federated or affiliated college, or a member of the teaching or administrative staff of the University, of University College, of any of the federated universities or of any of the federated or affiliated colleges, or who is a member of the governing body of any federated university or of any federated or affiliated college.

**11.** Subsection 1 of section 85 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor:

- (1) The Registrar shall, after the 15th day of January and before the 15th day of February in every year in which an election is to take place, prepare an alphabetical list, to be called “The Election Register”, of the names and known addresses of all graduates who are entitled to vote at such election.

**12.** Sections 86, 89, 90, 92, 96 and 97, section 100 as amended by section 3 of *The University of Toronto Amendment Act, 1953*, and sections 101, 115, 117 and 119 of *The University of Toronto Act, 1947* are repealed and the following substituted therefor:

86. The election register shall be posted up or the card catalogue shall be kept in a conspicuous place in the office of the Registrar not later than the 15th day of February in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours.

. . . . .

List of  
graduates  
entitled to  
vote to be  
furnished to  
Registrar

89. For the purposes of all elections at which graduates of a federated university are entitled to vote, the registrar of such university shall, on or before the 15th day of January in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the Registrar a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as known.

List of  
principals  
and assist-  
ants in  
high schools,  
etc.

90. The Minister of Education shall, upon the application of the Registrar, furnish him, on or before the 1st day of February in each year in which an election is to be held, with a list of all principals of and assistants in collegiate institutes and high schools who are actually engaged in teaching in a collegiate institute or high school, and with a list of all principals of and assistants in vocational schools who are actually engaged in teaching in a day vocational school, with their post office addresses as far as known.

. . . . .

Complaints  
as to error  
and  
omissions  
in lists

92. If any person whose name appears or ought to appear in any election register complains in writing to the Registrar, not later than ten clear days before the second Wednesday of the month of March in the year in which an election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register, or of any error in such name as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint and, after such notice as he may deem necessary to any person whose name is sought to be stricken from such register, rectify the error, if any, therein.

. . . . .

Delivery of  
nomination  
paper to  
Registrar

96. The nomination paper shall be delivered at the office of the Registrar or, if sent by mail, shall be received there not later than the first Wednesday in March of the year in which the election is to take place, and, if not so delivered or received, shall be invalid and shall not be acted upon.

Refusal to  
become a  
candidate

97. Any person nominated as a member of the Senate may refuse to become a candidate and he shall be deemed not to have been nominated, and his name

shall not be included in the list of candidates, if he notifies the Registrar in writing of his refusal within one week after the day upon which the time for nominations expired.

. . . . .

100. If a poll is necessary, the Registrar shall, on or before the fourth Wednesday in such month of March, send by mail to every graduate who, according to the election register, is entitled to vote at the election and whose place of residence is shown in such register, or is known to the Registrar, a voting paper in a form approved by the Senate, together with a list of the persons whose term of office is expiring and of all persons who have been nominated.

Voting  
papers to  
be sent to  
graduates

101. The votes shall be given by closed voting papers, which shall be delivered or, if sent by mail, shall be received at the office of the Registrar not earlier than the fourth Wednesday of such month of March and not later than the fourth Wednesday of April following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received, shall be invalid and shall not be counted.

Votes, how  
given

. . . . .

115. Instruction in arts in the University, except post-graduate instruction, shall be free to all regular matriculated students thereof who are enrolled in University College or in a federated university and who enter their names with the Registrar, but this provision shall not include exemption from library fees, laboratory supply fees, physical training fees, health service fees, and the fees for examinations, degrees and certificates.

Instruction  
in arts to  
be free  
except as to  
certain fees

. . . . .

117. Attendance upon instruction in University College or in a federated university by a student enrolled therein shall entitle such student to present himself for any arts examination in and to proceed to any degree in arts of the University, and to compete for any fellowship, scholarship, bursary, exhibition, medal, prize or other award or certificate of proficiency in arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University.

Attendance  
on lectures  
as qualifica-  
tion to  
compete for  
fellowships,  
etc.

. . . . .

University  
students in  
arts, enrol-  
ment of

- 119.—(1) All students proceeding to a degree in arts in the University, unless in cases for which special provision is made to the contrary by statute of the Senate, shall be enrolled in University College or in a federated university.

Registration  
of students

- (2) Subject to the statutes of the Senate, all students proceeding to a degree in any faculty or school of the University, other than that of arts, unless in cases for which special provision is made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction therein, except in the subjects in which by or under the authority of clause *b* of section 110 instruction is or may be provided for in University College, as to which it shall be sufficient if, being a student enrolled in University College or in a federated university, he has received instruction therein.

Occasional  
and graduate  
students

- (3) All occasional and graduate students shall also be registered in the University.

1947, c. 112,  
s. 125,  
subs. 1,  
amended

**13.**—(1) Subsection 1 of section 125 of *The University of Toronto Act, 1947* is amended by inserting after “statute” in the third line “or by-law”, so that the subsection shall read as follows:

Board may  
close  
Devonshire  
Place

- (1) The Board may stop up and close the highway in the City of Toronto called Devonshire Place, and if and when a statute or by-law for that purpose is passed by the Board and registered as hereinafter mentioned, the said highway shall be stopped up and closed and shall cease to be a highway, and the soil and freehold thereof shall be vested in the Board for the use of the University and University College.

1947, c. 112,  
s. 125,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 125 is repealed and the following substituted therefor:

Registration  
of statute  
or by-law  
closing  
Devonshire  
Place

- (3) The statute or by-law may be registered in the Registry Office for the City of Toronto, and for the purpose of such registration a duplicate original of the statute or by-law shall be made out and certified under the hand of the Secretary of the Board and the seal of the Board and shall be registered without any further proof.



**14.** Section 126 of *The University of Toronto Act, 1947* is <sup>1947, c. 112,</sup> amended by inserting after "statute" in the fourth line "or <sup>s. 126,</sup> amended by-law", so that the section shall read as follows:

126. If where a college federated with the University <sup>When</sup> has established or hereafter establishes a faculty of <sup>federated</sup> arts in which instruction in the subjects of the <sup>college may</sup> course of study in arts not being University subjects <sup>become a</sup> is provided and a statute or by-law of the Board <sup>college of the</sup> has been or shall be passed declaring that it has so <sup>University</sup> done, such college, so long as it maintains such faculty to the satisfaction of the Board, shall be known as and may be called a college of the University, and the teaching staff in such faculty shall have the same representation in the Council of the Faculty of Arts as is by section 68 given to the teaching staffs of the federated universities, and the regular matriculated students of such college who are enrolled therein and enter their names with the Registrar shall be entitled to the privileges which are by section 115 conferred upon the students mentioned therein.

**15.** This Act shall be deemed to have come into force on <sup>Commence-</sup> the 1st day of March, 1959. <sup>ment</sup>

**16.** This Act may be cited as *The University of Toronto* <sup>Short title</sup> *Amendment Act, 1959.*





## CHAPTER 104

**An Act to extend the Jurisdiction of the Supreme Court to vary Trusts in the Interests of Beneficiaries and sanction Dealings with Trust Property***Assented to March 26th, 1959**Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Where property, real or personal, is held on trusts arising before or after the coming into force of this Act under any will, settlement or other disposition, the Supreme Court may, if it thinks fit, by order approve on behalf of, Jurisdiction of courts to vary trusts

- (a) any person having, directly or indirectly, an interest, whether vested or contingent, under the trusts who by reason of infancy or other incapacity is incapable of assenting; or
- (b) any person, whether ascertained or not, who may become entitled, directly or indirectly, to an interest under the trusts as being at a future date or on the happening of a future event a person of any specified description or a member of any specified class of persons; or
- (c) any person unborn; or
- (d) any person in respect of any interest of his that may arise by reason of any discretionary power given to anyone on the failure or determination of any existing interest that has not failed or determined,

any arrangement, by whomsoever proposed and whether or not there is any other person beneficially interested who is capable of assenting thereto, varying or revoking all or any of the trusts or enlarging the powers of the trustees of managing or administering any of the property subject to the trusts.

Benefit

(2) The court shall not approve an arrangement on behalf of any person coming within clause *a, b* or *c* of subsection 1 unless the carrying out thereof appears to be for the benefit of that person.

Commence-  
ment

**2.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**3.** This Act may be cited as *The Variation of Trusts Act, 1959*.

## CHAPTER 105

# An Act to amend The Vital Statistics Act

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of subsection 1 of section 6 of *The Vital Statistics Act* is amended by adding “or” at the end thereof. R.S.O. 1950, c. 412, s. 6, subs. 1, cl. *b*, amended

(2) Clauses *d* and *e* of subsection 1 of the said section 6 are repealed. R.S.O. 1950, c. 412, s. 6, subs. 1, cls. *d*, *e*, repealed

**2.** *The Vital Statistics Act* is amended by adding thereto the following section: R.S.O. 1950, c. 412, amended

**7a.**—(1) If the statement respecting the birth of a child is not completed, certified and delivered or mailed in the manner and within the time provided in section 6, Statement of birth when parents fail to supply statement

(a) the occupier of the premises in which the child was born, if he has knowledge of the birth; or

(b) a nurse present at the birth,

shall, upon being required so to do by the Registrar-General, complete, certify and deliver or mail the statement to the division registrar of the registration division within which the child was born.

(2) Every person who has knowledge of the birth and who neglects to complete, certify and deliver or mail the statement respecting the birth of a child upon being required so to do under subsection 1 is guilty of a violation of this Act. Violation

**3.** Clause *b* of subsection 2 of section 9 of *The Vital Statistics Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 412, s. 9, subs. 2, cl. *b*, re-enacted

(b) a statement in the prescribed form, completed and certified by the applicant or any other person.

R.S.O. 1950,  
c. 412, s. 18,  
subs. 1,  
amended

**4.** Subsection 1 of section 18 of *The Vital Statistics Act* is amended by striking out “and such division registrar shall forward the registration of the death to the division registrar of the proper registration division” in the seventh, eighth and ninth lines, so that the subsection shall read as follows:

Registra-  
tion in  
another  
registration  
division

- (1) If a death has occurred and it is impracticable to register it, by reason of distance, with the division registrar of the proper registration division, registration of the death may be made with the nearest division registrar who, upon payment of the prescribed fee, shall register the death and issue an acknowledgment of registration of death and a burial permit.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Vital Statistics Amendment Act, 1959*.

## CHAPTER 106

**An Act to amend The Wages Act**

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 7 of *The Wages Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 415, s. 7,  
amended

(6) Any provision of any contract hereafter made that provides for the assignment by the debtor to the creditor of a greater proportion of the debtor's wages than is liable to seizure or attachment under this section is invalid. Assignment  
of wages

**2.** This Act may be cited as *The Wages Amendment Act*, Short title  
1959.





## CHAPTER 107

## An Act to provide for the Establishment of Wilderness Areas

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Minister" means Minister of Lands and Forests;
- (b) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water.

**2.** The Lieutenant-Governor in Council may set apart any public lands as a wilderness area for the preservation of the area as nearly as may be in its natural state in which research and educational activities may be carried on, for the protection of the flora and fauna, for the improvement of the area, having regard to its historical, aesthetic, scientific or recreational value, or for such other purposes as may be prescribed.

Establish-  
ment of  
wilderness  
areas

**3.** Nothing in this Act or in the regulations made under this Act shall limit or affect the development or utilization of the natural resources in any wilderness area that is more than 640 acres in size.

Saving

**4.** Land may be acquired under *The Public Works Act* for the purposes of this Act.

Acquisition  
of land  
R.S.O. 1950,  
c. 323

**5.** Wilderness areas shall be under the control and management of the Minister.

Administra-  
tion

**6.** Notwithstanding *The Game and Fisheries Act* and the regulations thereunder, the Minister may take such measures as he deems proper for the protection of fish, animals and birds in wilderness areas.

Protection  
of wild  
life  
R.S.O. 1950,  
c. 153

Regulations **7.**—(1) The Lieutenant-Governor in Council may make regulations,

- (a) for the care, preservation, improvement, control and management of wilderness areas;
- (b) for prohibiting or regulating and controlling the use of lands in wilderness areas;
- (c) for prohibiting or regulating and controlling the admission of persons or domestic animals to wilderness areas and for issuing permits to persons to enter and travel in wilderness areas and prescribing the terms and conditions thereof and the fee therefor;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Idem (2) Any regulations under subsection 1 may be made applicable to all wilderness areas, to any wilderness area or to any part of a wilderness area.

Offence and penalty **8.** Every person who contravenes any regulation made under this Act or any term or condition of a permit issued under the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Commencement **9.** This Act comes into force on the day it receives Royal Assent.

Short title **10.** This Act may be cited as *The Wilderness Areas Act, 1959*.

## CHAPTER 108

**An Act to amend The Wills Act**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 36 of *The Wills Act* is repealed and the following substituted therefor: R.S.O. 1950.  
c. 426, s. 36,  
re-enacted

36. Unless a contrary intention appears by the will, where a devise or bequest is made to a child, grand-child, brother or sister of the testator who dies before the testator and leaves issue surviving the testator, the devise or bequest does not lapse but takes effect as if it had been made directly to the persons among whom and in the shares in which the estate of that person would have been divisible if he had died intestate and without debts immediately after the death of the testator. Substituti-  
tional  
gifts

**2.** This Act may be cited as *The Wills Amendment Act, 1959*. Short title



PART II  
PRIVATE ACTS

Chapters 109 to 145





## CHAPTER 109

## An Act respecting the Township of Alfred

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Township of Alfred Preamble by its petition has represented that the assessment notices and tax accounts for the taxation years 1955, 1956, 1957 and 1958 were sent to the ratepayers in and of the municipality in the French language; and whereas doubts have arisen with respect to the sufficiency, validity and binding effect of the notices upon persons and lands; and whereas the Corporation has prayed for special legislation declaring that, notwithstanding any defect or irregularity, the assessment, the assessment by-laws, the levies, taxes and notices thereof for the taxation years 1955, 1956, 1957 and 1958 are sufficient, valid, effectual and binding upon all persons and lands; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any defect or irregularity in the Assessments validated proceedings of The Corporation of the Township of Alfred for the taxation years 1955, 1956, 1957 and 1958, the assessment made, the assessment by-laws enacted, the levies, rates and taxes imposed, and the notices therefor and thereof sent to ratepayers in and of the municipality by The Corporation of the Township of Alfred for such taxation years, are sufficient, valid, effectual and binding upon all persons and lands as if all the proceedings had been fully and completely carried out according to the provisions of *The Municipal Act* and R.S.O. 1950, cc. 243, 24 *The Assessment Act*.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment Assent.

**3.** This Act may be cited as *The Township of Alfred Act*, Short title 1959.



## CHAPTER 110

## An Act respecting the City of Belleville

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Belleville by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** For the year 1960 and thereafter, the council of The <sup>Composition of council</sup> Corporation of the City of Belleville shall consist of a mayor and fourteen aldermen to be elected by general vote.

**2.—(1)** At the annual election next after this Act comes <sup>First election</sup> into force, there shall be elected a mayor and fourteen aldermen and the mayor shall hold office for the term of one year, and, of the fourteen aldermen elected, the seven receiving the highest number of votes at such election shall remain in office for a two-year term and the other seven shall remain in office for a one-year term.

**(2)** At each annual election thereafter, there shall be elected <sup>Subsequent elections</sup> seven aldermen who shall remain in office for a two-year term.

**3.** Subsection 5 of section 77 of *The Municipal Act* applies <sup>Application of R.S.O. 1950, c. 243, s. 77 (5)</sup> *mutatis mutandis* to the first election of aldermen under this Act.

**4.** Where the seat of an alderman is rendered vacant by <sup>Vacancies where alderman resigns to run for other office</sup> reason of the filing of the resignation mentioned in subsection 2 of section 56 of *The Municipal Act*, the vacancy shall not be filled in the manner provided in section 168, 169 or 170 of *The Municipal Act*, but the seat shall remain vacant until the next ensuing annual election, at which there shall be elected an alderman in addition to the seven normally to be elected at such election and the alderman receiving the eighth highest number of votes at such election shall hold office only for the remainder of the term for which the person who vacated the

office

office was elected to such office and, where the seats of two or more aldermen are rendered vacant as aforesaid, the provisions of this section apply *mutatis mutandis*.

1958,  
c. 125, s. 2,  
repealed

**5.** Section 2 of *The City of Belleville Act, 1958* is repealed.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The City of Belleville Act, 1959*.

## CHAPTER 111

**An Act respecting the Town of Bowmanville**

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Town of Bowmanville Preamble  
 by its petition has represented that the council of the  
 Town has constructed certain sidewalks, watermains and  
 sanitary sewers and has prayed for special legislation in  
 respect of the matters hereinafter set forth; and whereas it  
 is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.** By-law No. 1709 passed by The Corporation of the Debenture  
 Town of Bowmanville on the 16th day of January, 1959, set by-law  
 forth as the Schedule hereto, authorizing the issue of deben- validated  
 tures of the Corporation in the principal amount of \$46,640  
 to pay the cost of constructing sidewalks, watermains and  
 sanitary sewers, is hereby confirmed and declared to be legal,  
 valid and binding upon the Corporation and the ratepayers  
 thereof.

**2.** By-law No. 1709 of The Corporation of the Town of Application  
 Bowmanville shall be legal, valid and binding on The Cor- of  
 poration of the Town of Bowmanville notwithstanding R.S.O. 1950,  
 sections 67 and 68 of *The Ontario Municipal Board Act*. c. 262,  
ss. 67, 68

**3.** This Act comes into force on the day it receives Royal Commence-  
 Assent. ment

**4.** This Act may be cited as *The Town of Bowmanville Act*, Short title  
 1959.

## SCHEDULE

## THE CORPORATION OF THE TOWN OF BOWMANVILLE

## BY-LAW No. 1709

BEING A BY-LAW authorizing the issue of debentures in the principal amount of \$46,640.01 to pay the cost of construction of certain sidewalks, watermains, and sanitary sewers.

WHEREAS the Corporation of the Town of Bowmanville has caused certain sidewalks, watermains and sanitary sewers to be constructed on the streets and between the points as shown in columns 3, 4, and 5 in Schedule "A" attached hereto;

AND WHEREAS the total cost of each of such works, the Corporation's portion and the owners' portion thereof, a special rate per foot frontage and annual special rate per foot frontage have also been set out in Schedule "A" attached hereto;

AND WHEREAS it is necessary to borrow on the credit of the Corporation the aggregate amount of \$46,640.01 to pay for the said works which are estimated to have a lifetime of more than 20 years;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of twenty years after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debt, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same, subject to the proviso that each instalment of principal may be for an even \$100.00, \$500.00 or \$1,000.00 or multiple thereof, and that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

AND WHEREAS it will be necessary to raise annually the sum shown in column 4 of Schedule "B" hereto attached during the period of twenty years to pay the said yearly sum of principal and interest as they become due, of which sum shown in Column 7 of said Schedule "A" is required to pay the Corporation's portion of the cost and interest thereon, and the sum as shown in Column 8 of said Schedule "A" is required to pay the owners' portion of the cost and interest thereon;

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is \$7,219,000.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$1,041,203.68, and no part of the principal or interest thereon is in arrears;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Bowmanville enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Fifty Thousand Dollars and debentures shall be issued therefor in denominations of not less than \$100.00 each, bearing interest at the rate of Five and Three-quarters per centum ( $5\frac{3}{4}\%$ ) per annum payable annually, and having coupons attached thereto for the payment of interest.

2. The debentures shall be dated the 30th day of July, 1959, and shall be payable in twenty annual instalments on the 30th day of July in each of the years 1960 to 1979, inclusive, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "B" hereto attached.



3. The debentures as to both principal and interest shall be payable in lawful money of Canada at the main branch of the Bank of Montreal in the City of Toronto, at the branch of the Bank of Montreal in the Town of Bowmanville or at the Office of the Municipal Treasurer in the Town of Bowmanville, at holder's option.

4. The said debentures shall be issued and signed by the Mayor, or some other person authorized by by-law to sign the same, and by the Treasurer, and sealed with the seal of the Corporation. The interest coupons shall be signed by the Treasurer, whose signature may be printed, engraved or lithographed on the coupons, and such printed, engraved or lithographed signature of the Treasurer shall for all purposes be deemed the signature of the said Treasurer.

5. (a) That there shall be raised in each year in which an instalment becomes due, by a special rate on all rateable property in the Municipality, a specific sum sufficient to pay the said instalment when and as it becomes due, but no greater rate shall be levied in any year for such purpose, than is required to pay the instalment after taking into account receipts from the special rate provided in clause (b) of this paragraph, or from any source in respect of the said work;

(b) For the payment of the owners' portion of the cost and interest thereon, the special assessment set forth in the special assessment roll is hereby imposed upon the lands liable therefor as therein set forth, which said special assessment with a sum sufficient to cover interest thereon at the rate aforesaid, shall be payable in twenty equal annual instalments and for that purpose the special annual rates per foot frontage set forth in Schedule "A" hereto attached, are hereby imposed upon the lots entered in the said special assessment roll, according to the assessed frontage thereof, over and above all other rates and taxes and the said special rates shall be collected annually by the Collector of taxes for the Corporation at the same time and in the same manner as other rates.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

7. Pending the sale of the said debentures the head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. This by-law shall come into force upon, from and after being validated by an Act of the Legislature of the Province of Ontario.

READ A FIRST, SECOND AND THIRD TIME and finally passed this 16th day of January, A.D. 1959.

(Sgd.) WILFRID CARRUTHERS,  
Mayor.

(Sgd.) R. B. REYNOLDS,  
Clerk.

*Schedule "A"*  
To By-Law No. 1709

No.	Name of Work	Street	From	To	Total Cost	Corporation's Portion	Owners' Portion	Special Rate per ft. Frontage	Annual Special Rate per ft. Frontage	Lifetime of work	No. Annual Installments
1	Watermain	Frederick Ave.....	Scugog St.....	650 ft. W. of Scugog St.....	\$ 3,779.45	\$ 1,910.00	\$ 1,869.45	\$1.65	12.68c.	21 years	20
2	Watermain	Rehder Ave.....	350 ft. W. of Scugog St....	583 ft. W. of Scugog St....	877.80	33.00	844.80	1.65	12.86	21 "	20
3	Watermain	Third St.....	High St.....	Liberty St.....	5,419.41	1,833.41	3,597.00	1.65	12.68	21 "	20
4	Watermain	Prospect St.....	Veterans Ave.....	348 ft. N. of Veterans Ave..	1,256.52	248.37	1,008.15	1.65	12.68	21 "	20
5	Watermain	Waverly Rd.....	769 ft. S. of King St.....	1162 ft. S. of King St.....	1,296.90	.....	1,296.90	1.65	12.68	21 "	20
6	Watermain	Concession St.....	Liberty St.....	3327 ft. E. of Liberty St....	13,171.29	2,908.29	10,263.00	1.65	12.68	21 "	20
7	Watermain	King St. E.....	620 ft. E. of Simpson Ave..	1436 ft. E. of Simpson Ave..	4,194.14	805.34	3,388.80	2.40	20.08	21 "	20
8	Watermain	St. George St.....	King St.....	Queen St.....	1,929.60	336.00	1,593.60	2.40	20.80	21 "	20
9	Watermain	Edsall Ave.....	W. limit Lot 71.....	W. limit Lot 78.....	2,031.30	886.20	1,145.10	1.65	12.68	21 "	20
10	San. Sewer	Prospect St.....	Veterans Ave.....	348 ft. N. of Veterans Ave..	1,429.90	468.30	961.60	1.60	12.30	21 "	20
11	Sidewalk	High St.....	Fourth St.....	60 ft. S. of Fourth St.....	105.60	34.85	70.75	1.32	10.00	21 "	20
12	Sidewalk	Prince St., N.S.....	Simpson Ave.....	745 ft. W. of Simpson Ave..	1,320.00	435.60	884.40	1.32	10.00	21 "	20
13	Sidewalk	Third St., N.S.....	Elgin St.....	Lamb's Lane.....	365.30	120.55	244.75	1.32	10.00	21 "	20
14	Sidewalk	High St., W.S.....	Second St.....	Third St.....	1,122.20	370.33	751.87	1.32	10.00	21 "	20
15	Sidewalk	Prince St., W.S.,	Jane St.....	263 ft. N. of Jane St.....	520.74	171.84	348.90	1.32	10.00	21 "	20
16	Sidewalk	Jane St., N.S.....	Simpson Ave.....	183 ft. W. of Simpson Ave..	362.30	119.56	242.74	1.32	10.00	21 "	20
17	Sidewalk	Albert St., N.S.....	Duke St.....	172 ft. W. of Duke St.....	302.28	99.75	202.53	1.32	10.00	21 "	20
18	Sidewalk	Prince St., S.S.....	Liberty St.....	577 ft. E. of Liberty St....	1,015.52	335.12	680.40	1.32	10.00	21 "	20
19	Sidewalk	Liberty St.....	Queen St.....	Albert St.....	498.08	164.37	333.71	1.32	10.00	21 "	20
20	Sidewalk	Flett St., E.S.....	Southway Dr.....	253 ft. N. of Southway Dr..	445.28	146.94	298.34	1.32	10.00	21 "	20
21	Sidewalk	Orchardview, E.S.,	Jane St.....	Southway Dr.....	1,641.20	541.60	1,099.60	1.32	10.00	21 "	20
22	Sidewalk	Prince St., S.S.....	Simpson Ave.....	850 ft. W. of Prince St....	1,496.00	493.68	1,002.32	1.32	10.00	21 "	20
23	Sidewalk	Simpson Ave.....	Jane St.....	Southway Dr.....	2,059.20	679.54	1,379.66	1.32	10.00	21 "	20
					<b>\$46,640.01</b>	<b>\$13,131.64</b>	<b>\$33,508.37</b>				

*Schedule "B"*

To BY-LAW No. 1709

\$46,640.01

5¾% DEBENTURES

Year	Principal	Interest	Total
1960.....	\$ 640.01	\$ 1,681.81	\$ 3,321.82
1961.....	1,000.00	2,645.00	3,645.00
1962.....	1,000.00	2,587.50	3,587.50
1963.....	2,000.00	2,530.00	4,530.00
1964.....	2,000.00	2,415.00	4,415.00
1965.....	2,000.00	2,300.00	4,300.00
1966.....	2,000.00	2,185.00	4,185.00
1967.....	2,000.00	2,070.00	4,070.00
1968.....	2,000.00	1,955.00	3,955.00
1969.....	2,000.00	1,840.00	3,840.00
1970.....	2,000.00	1,725.00	3,725.00
1971.....	2,000.00	1,610.00	3,610.00
1972.....	3,000.00	1,495.00	4,495.00
1973.....	3,000.00	1,322.50	4,322.50
1974.....	3,000.00	1,150.00	4,150.00
1975.....	3,000.00	977.50	3,977.50
1976.....	3,000.00	805.00	3,805.00
1977.....	3,000.00	632.50	3,632.50
1978.....	4,000.00	460.00	4,460.00
1979.....	4,000.00	230.00	4,230.00
	\$46,640.01	\$33,616.81	\$80,256.82



CHAPTER 112

An Act respecting the Village of Cayuga

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Village of Cayuga Preamble has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands situate, lying and being in the Village of Cayuga, in the County of Haldimand, registered in the name of "The County of Haldimand Electoral District Agricultural Society" by an instrument dated the 1st day of February, 1893, and registered in the Registry Office for the Registry Division of the County of Haldimand on the 11th day of February, 1893, as No. 965, and the lands situate, lying and being in the Village of Cayuga, in the County of Haldimand, registered in the name of "The County of Haldimand Agricultural and Arts Society" by an instrument dated the 12th day of December, 1882, and registered in the Registry Office for the Registry Division of the County of Haldimand on the 23rd day of December, 1882, as No. 491, which said lands are more particularly described in the Schedule hereto, shall be and the same are hereby vested in fee simple in The Corporation of the Village of Cayuga. Lands vested in Village of Cayuga

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Village of Cayuga Act, 1959*. Short title

## SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Village of Cayuga, in the County of Haldimand and Province of Ontario, and being composed of Lots Numbers Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen and Sixteen on the South side of Hill street; Lots Numbers Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen and Sixteen on the North side of Victoria Street; Lots Numbers Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen and Sixteen on the South side of Victoria Street, and Lots Numbers Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen and Sixteen on the North side of Obadiah Street, all in the Village of Cayuga aforesaid.

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Village of Cayuga, in the County of Haldimand, and being composed of that part of Hill Street between Lots Nine and Sixteen inclusive; part of Victoria Street between Lots Nine and Sixteen inclusive; part of Martin Street from Hill Street to Lot Eleven North of Obadiah Street, and part of Johnson Street from Hill Street to Lot Fourteen North of Obadiah Street on the East side of the Grand River in the said Village of Cayuga, and heretofore permanently stopped up and closed.



## CHAPTER 113

## An Act respecting the Town of Chesley

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Town of Chesley Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The purchase by The Corporation of the Town of Chesley Purchase  
of lands  
validated  
of the lands described in the instrument registered in the  
Registry Office for the Registry Division of the County of  
Bruce as No. 8538 for the Town of Chesley from Silkknit  
Limited on the 31st day of December, 1957, is ratified, con-  
firmed and declared to be legal, valid and binding, and the  
conveyance of the lands to the Town of Chesley, dated  
December 31, 1957, and registered in the said Registry  
Office as No. 8538 for the Town of Chesley, shall be deemed  
to have had the effect of vesting the lands in The Corporation  
of the Town of Chesley in fee simple as if the same had been  
acquired under paragraph 63 of subsection 1 of section 388 of  
*The Municipal Act*. R.S.O. 1950,  
c. 243

**2.** The agreement dated the 5th day of February, 1957, Agreement  
confirmed  
between The Corporation of the Town of Chesley and Peerless  
Textile Products Company Limited, set forth as the Schedule  
hereto, is hereby confirmed and declared to be legal, valid and  
binding without the approval of the Department of Municipal  
Affairs.

**3.** The Corporation of the Town of Chesley has and shall Temporary  
borrowing  
authorized  
be deemed to have had authority to make temporary borrow-  
ings with respect to the purchase and sale of the lands referred  
to in section 1.

**4.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**5.** This Act may be cited as *The Town of Chesley Act, 1959*. Short title

## SCHEDULE

THIS INDENTURE, made the fifth day of February, 1957, in pursuance of *The Short Forms of Leases Act*:

BETWEEN:

THE MUNICIPAL CORPORATION OF THE TOWN OF CHESLEY, herein called the Lessor,

OF THE FIRST PART,

—and—

PEERLESS TEXTILE PRODUCTS COMPANY LIMITED, of the City of Toronto in the County of York, herein called the Lessee,

OF THE SECOND PART.

WITNESSETH that in consideration of the Rents, Covenants and Agreements hereinafter respectively reserved and contained on the part of the said Lessee, its successors and assigns, to be respectively paid, observed and performed, the said Lessor hath demised and leased and by these presents doth demise and lease unto the said Lessee, its successors and assigns, all that messuage or tenement situate, lying and being in the Town of Chesley in the County of Bruce and Province of Ontario and being composed of part of Park Lot "V" in the said Town of Chesley, more particularly described as follows, that is to say:—

COMMENCING at the north-westerly corner of said Park Lot "V"; Thence southerly along the westerly limit of said Park Lot "V" a distance of one hundred and ninety-eight (198) feet to a point; Thence in an easterly direction parallel to the northerly limit of said Lot a distance of eighty (80) feet to a point; Thence in a northerly direction parallel with the westerly boundary of said Lot a distance of one hundred and ninety-eight (198) feet more or less to the northerly limit of said Lot; Thence in a westerly direction along the northerly limit of said Lot a distance of eighty (80) feet more or less to the place of beginning.

TOGETHER with the building situate on the said property and all additions thereto. Which said described parcel of land is also known as Block "A", Plan 424.

TO HAVE AND TO HOLD the said demised premises for and during the term of five years to be computed from the First day of March, One Thousand Nine Hundred and Fifty-seven and thenceforth next ensuing, and fully to be completed and ended on the 28th day of February, 1962.

YIELDING AND PAYING therefor yearly and every year during the said term unto the said Lessor, its successors or assigns, the sum of One Thousand (\$1,000.00) dollars of lawful money of Canada, without any deduction, defalcation or abatement whatsoever to be payable half-yearly in advance on the following days and times, that is to say: The first payment of \$500.00 shall be paid on the date hereof (the receipt whereof is hereby acknowledged by the Lessor), Five Hundred (\$500.00) shall become due and be paid on the First day of September, 1957, and Five Hundred (\$500.00) dollars shall become due and be paid half-yearly thereafter on the First days of March and September in each year of the term hereby created until and including the first day of September, 1961.

THE LESSEE COVENANTS THAT, notwithstanding anything in Section 29 of Chapter 199 of the Revised Statutes of Ontario, 1950, or in any other section of the said Act, or in any other Act now in force or which may hereafter be passed, none of the goods or chattels of the Lessee on the premises at any time during the said term or any renewal thereof shall be

exempt from levy by distress for rent in arrear by the Lessee as provided for by any Act above mentioned or referred to. And that upon any claim being made for such exemption by the Lessee, or on distress being made by the Lessor, this Covenant may be pleaded as an estoppel against the Lessee in any action brought to test the right to the levying upon any such goods as are named as exempted in any of the said Acts, the Lessee waiving as it hereby does, every benefit that might have accrued to it under any section of the said Acts but for the above covenant.

The said Lessor Covenants to instal a new roof on the 45' x 41' flat roof section lying immediately south of and adjacent to the main brick building.

AND the said Lessor Covenants with the said Lessee that it will pay all real property tax against the said lands and tenements.

AND the said Lessor Covenants with the said Lessee for Quiet Enjoyment.

THE SAID LESSEE COVENANTS with the said Lessor to pay rent.

AND to pay water rates, garbage collection and all electric light and power.

AND to keep the building in good repair, reasonable wear and tear and damage by fire, lightning, tempest, riot, civil commotion, explosion, force majeure and structural defects and weakness only excepted.

AND to keep up fences.

AND not to commit waste.

AND to pay such business tax as may be assessed against the said premises from time to time.

AND that the said Lessor may enter and view the state of repair.

AND that it will provide all necessary heat for the building.

AND that the said Lessee will repair according to Notice in Writing, reasonable wear and tear and damage by fire, lightning, tempest, riot, civil commotion, explosion, force majeure and structural defects and weakness only excepted.

AND will not assign or sub-let without leave, provided that such leave shall not be unreasonably withheld.

AND will not carry on any business that shall create a nuisance on the said premises.

AND that it will leave the premises in good repair, reasonable wear and tear and damage by fire, lightning, tempest, riot, civil commotion, explosion, force majeure and structural defects and weakness only excepted.

PROVIDED that the Lessee may remove its fixtures.

PROVIDED that in the event of damage by fire, lightning, tempest, riot, civil commotion, explosion, force majeure and structural defects and weaknesses, rent and other obligations of the Lessee hereunder shall cease until the premises are rebuilt.

PROVISO for re-entry by the said Lessor on non-payment of Rent or non-performance of covenants.

AND THE SAID LESSEE AGREES with the said Lessor that in consideration of the said Lease (and the covenants therein contained and to be performed by the Lessor) that at the expiration of the said term it will purchase the said demised premises for the sum of Fifteen Thousand (\$15,000.00) dollars, payable as follows: \$5,000.00 upon the expiration

of the said term and the balance of \$10,000.00 within three years thereafter with interest at the then prevailing rate upon such portion of the said purchase price as remains from time to time unpaid, provided that said rate of interest shall not exceed Six per centum (6%) per annum.

IN WITNESS WHEREOF the said Parties hereto have hereunto affixed their Corporate Seals attested by their proper officers in that behalf.

PEERLESS TEXTILE PRODUCTS CO. LTD.:

(Seal) J. K. ABRAHAM,  
*Director.*  
GEO. K. AZIZ.

(Seal) E. G. REABURN,  
*Mayor.*  
GEO. GRABB,  
*Clerk.*

## CHAPTER 114

# An Act respecting The Corporation of the Synod of Hamilton and London of The Presbyterian Church in Canada

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Synod of Hamilton Preamble and London of The Presbyterian Church in Canada Limited, herein called "the company", by its petition has represented that it was incorporated by letters patent dated the 22nd day of May, 1958, as a private company under and subject to the provisions of subsection 2 of section 3 of *The Corporations Act, 1953*; and that the nature of the work to be undertaken by it is charitable and not for purposes of private gain or profit, namely, to undertake and assist in the work of Church Extension of The Presbyterian Church in Canada within the bounds of the Synod of Hamilton and London of the said Church; and that, in order that it may effectually carry out its charitable purposes, it is desirable that its powers be enlarged, that its objects as set out in the letters patent be varied, that certain restrictions be attached to the holding and transfer of shares and the distribution of assets in the event of the winding-up or dissolution of the company, and that it should not be required to use the word "Limited" as part of its corporate name but should be permitted to change its corporate name to "The Corporation of the Synod of Hamilton and London of The Presbyterian Church in Canada"; and whereas the petitioner has prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of the letters patent of the company and of *The Corporations Act, 1953*,
 

Company powers enlarged and objects varied and holding of shares restricted

  - (a) the number of shareholders of the company shall not be limited;

(b)



- (b) the company shall not be prohibited from making invitation to the public to subscribe for its shares or securities;
- (c) the company shall not be restricted to issuing securities to its shareholders only or to borrowing money on the security of its property from its shareholders only;
- (d) the company shall not be required to use the word "Limited" as part of its corporate name, so that the name of the company shall be "The Corporation of the Synod of Hamilton and London of The Presbyterian Church in Canada";
- (e) the objects of the company shall be varied to include the following:
  - (i) to guarantee repayment of money loaned to congregations of The Presbyterian Church in Canada or the trustees thereof or other persons, groups, societies or corporations directly affiliated with and responsible to the Synod of Hamilton and London of The Presbyterian Church in Canada, a Presbytery or a congregation thereof, but shall not carry on the business of guarantee insurance,
  - (ii) to receive gifts and donations for the purposes of Church Extension within the bounds of the said Synod;
- (f) no share of the capital stock of the company shall be held by, or in trust for, or be in any way under the control of a person who is not a member of the Synod of Hamilton and London of The Presbyterian Church in Canada or a director of the company;
- (g) no person shall be entitled to hold more than one share of the capital stock of the company;
- (h) if any shareholder dies or becomes bankrupt or of unsound mind or ceases to be a member of the Synod, his share shall be transferred to such member of the Synod not then a registered holder of a share of the capital stock of the company as the directors of the company shall by resolution nominate, and, if the share is not so transferred within ten days after notice in writing by the directors to the registered holder thereof or to his personal representatives,



as the case may be, of such nomination, the directors shall appoint some person to transfer the share to the nominee at and for the consideration of \$1 to be paid to the registered holder or his personal representatives, as the case may be, and a transfer by such person shall be effective and the transferee shall be registered as the holder of the share and as against the former registered holder and all persons claiming through him shall be absolutely entitled to the same, and after such registration the regularity of the proceedings shall not be questioned;

- (i) no dividends or profits shall be paid in respect of any shares of the capital stock of the company or to the holders thereof and the net profits of the company shall be used solely for the purpose of undertaking and assisting in the work of Church Extension of The Presbyterian Church in Canada within the bounds of the Synod of Hamilton and London of the said Church;
- (j) if upon winding-up or dissolution of the company there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the shareholders but shall be given or transferred to The Trustee Board of The Presbyterian Church in Canada to be used for the purposes of the said Church.

**2.** This Act comes into force on the day it receives Royal Commence-  
Assent. ment

**3.** This Act may be cited as *The Corporation of the Synod of Hamilton and London of The Presbyterian Church in Canada Act, 1959.* Short title



## CHAPTER 115

## An Act respecting the City of Guelph

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Guelph by Preamble its petition has prayed for special legislation to amend *The City of Guelph Act, 1950* by increasing the number of 1950, c. 98 members of the Memorial Gardens Commission thereby established, by changing the term of office of those members who are not members of the council of the City of Guelph, by changing the fiscal year of the commission and by permitting The Corporation of the City of Guelph to pay, upon certain conditions, any deficit which the commission may incur; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The City of Guelph Act, 1950* is repealed and the following substituted therefor: 1950, c. 98, s. 2, re-enacted

- 2.—(1) The council of the Corporation may appoint a Memorial Gardens Commission of seven persons, which commission shall have the general supervision, management and control of the Guelph Memorial Gardens and shall be known as the Memorial Gardens Commission.
- (2) All the members of the commission who are not members of council shall be residents and ratepayers of the City of Guelph. Qualifications of members
- (3) Two of the members of the commission shall be members of the council of the City of Guelph and shall be appointed annually. Two members of council
- (4) At its first meeting in 1960, the council shall appoint to the commission five members who are not members of council, two for a term of two years and three for a term of one year, and thereafter, at its first meeting in each year, shall appoint members to the commission for a term of two years to fill the vacancies created by retiring members. Appointment of members not councillors

Re-appoint-  
ment (5) Any member shall, upon the expiration of his term of office, be eligible for re-appointment.

Mayor *ex officio*  
member (6) The mayor shall be *ex officio* an eighth member of the commission.

1950, c. 98,  
s. 5, subs. 2,  
re-enacted **2.** Subsection 2 of section 5 of *The City of Guelph Act, 1950* is repealed and the following substituted therefor:

Fiscal  
year (2) The fiscal year of the commission shall commence on the 1st day of January in each year and end on the 31st day of December in the same year.

1950, c. 98,  
amended **3.** *The City of Guelph Act, 1950* is amended by adding thereto the following section:

Operating  
deficit 5a.—(1) If the operations of the commission result in a deficit as shown on its annual audited statement, the council, upon receiving application from the commission and upon being satisfied that the amount of the deficit is required by the commission, may include the amount of the deficit in the estimates of council for the year in which application is made.

Application (2) No application by the commission to have the amount of its operating deficit included in the estimates of council in any year shall be made to council later than the 1st day of March in such year.

Commence-  
ment **4.** This Act comes into force on the 1st day of January, 1960.

Short title **5.** This Act may be cited as *The City of Guelph Act, 1959*.

## CHAPTER 116

## An Act respecting the City of Hamilton

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Hamilton Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The lands described in the Schedule hereto are hereby Lands  
vested in  
Corporation  
vested in The Corporation of the City of Hamilton, freed  
from all trusts, covenants, restrictions or other defects affecting  
the lands, except where there are trusts, covenants or other  
restrictions requiring any part of the lands to be used for  
market purposes, in which case the Corporation,

- (a) may exercise, respecting such lands, any or all of its  
powers under *The Municipal Act* or any Act respect- R.S.O. 1950,  
c. 243  
ing the City of Hamilton; and
- (b) shall, in addition to any other use, permit the use of  
such lands for market purposes in accordance with  
any by-laws or resolutions passed by the council  
of the Corporation under the provisions of *The  
Municipal Act* or any Act respecting the City of  
Hamilton affecting markets, but the provisions of  
this paragraph shall not be deemed to restrict the  
Corporation in the exercise of any of its powers  
respecting any of such lands required for highway  
purposes.

**2.** Section 3 of *The City of Hamilton Act, 1956* is repealed 1956, c. 105,  
s. 3,  
re-enacted  
and the following substituted therefor:

- 3.** Notwithstanding the provisions of any general or Payments  
of amounts  
recovered  
in actions  
to  
employees  
private Act, where in any action or settlement  
arising out of an accident to an employee, occurring  
in the course of his employment, the Corporation

recovers

recovers or receives from the person against whom the action lies or is brought a larger amount, exclusive of costs, than the amount of moneys paid or other benefits extended by the Corporation to or on behalf of the employee as a result of the accident, the Corporation may pay the surplus amount recovered or received,

(a) to the employee; or

(b) in the event of the death of the employee, to one or more of his dependants or to his estate,

upon such terms and conditions as the Corporation deems expedient.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The City of Hamilton Act, 1959*.



## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the County of Wentworth and Province of Ontario and being composed of part of David Kirkendall's Survey, registered in the Registry Office for the Registry Division of the County of Wentworth as Plan No. 39, and part of Andrew Miller's Seven Acre Tract, being in the block bounded by James Street, Merrick Street, MacNab Street and Market Square in the City of Hamilton, and which said parcel may be more particularly described as follows,

- (a) commencing at a point in the southern limit of Merrick Street, distant therein westerly one hundred and seventy feet and five and one-quarter inches ( $170' 5\frac{1}{4}"$ ) from the western limit of James Street, and
- (b) thence continuing westerly along the said southern limit of Merrick Street, two hundred feet and three inches ( $200' 3"$ ) more or less to the eastern limit of MacNab Street, and
- (c) thence southerly along the said eastern limit of MacNab Street, two hundred and ninety-two feet and ten and three-quarter inches ( $292' 10\frac{3}{4}"$ ) more or less to the northern limit of Market Square, as defined by City of Hamilton By-law No. 7583, and
- (d) thence easterly along the said northern limit of Market Square, two hundred and seventeen feet and seven and one-half inches ( $217' 7\frac{1}{2}"$ ) more or less to the production southerly of the western limit of a twenty-foot ( $20' 0"$ ) right-of-way granted to the T. Eaton Company Limited by Instrument No. 269534 N.S., and
- (e) thence northerly to and along the western limit of the said right-of-way, three hundred and seventy-five feet and two and one-half inches ( $375' 2\frac{1}{2}"$ ) more or less to the place of beginning.



## CHAPTER 117

**An Act respecting the Estate  
of the Honourable George Taylor Fulford**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS George Taylor Fulford, George Taylor Preamble  
Fulford III, Dwight W. Fulford and Martha Disher  
by their petition have represented that they are the only  
persons now interested in the estate of the late Honourable  
George Taylor Fulford who died on or about the 15th day  
of October, 1905, and whose last will and testament was  
probated in the surrogate court of the United Counties of  
Leeds and Grenville on the 1st day of November, 1905, and  
that the last will and testament provides, by clause 4 thereof,  
that the executors should invest the moneys of the estate in  
government bonds and securities and municipal debentures of  
the Dominion of Canada and the provinces, and the munici-  
palities therein, and of the United States of America, and  
the states and municipalities therein; and whereas the peti-  
tioners have prayed for special legislation in respect of the  
matter hereinafter set forth; and whereas it is expedient to  
grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) The executors and trustees of the estate of the late Investments  
Honourable George Taylor Fulford, in addition to or in sub-  
stitution for the powers conferred on the executors by the  
last will and testament of the Honourable George Taylor  
Fulford, may from time to time and at any time invest the  
funds of the estate, or any portion thereof, in the purchase of  
any investments in which an insurer is permitted to invest  
its funds under section 207 of *The Corporations Act, 1953*, 1953, c. 19  
as the same now is or as it may from time to time be amended,  
and may alter and vary such investments from time to time  
by substituting others of a like nature.

(2) Such investments shall not be subject to the provisions Application  
of subsections 3 to 15 of section 207 of *The Corporations Act, 1953*, of 1953,  
c. 19, s. 207,  
subss. 3-15  
1953 or any provisions that may be substituted therefor.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Honourable George Taylor Fulford Estate Act, 1959*.

## CHAPTER 118

**An Act respecting The Incorporated Synod  
of the Diocese of Ontario of  
The Anglican Church of Canada**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Incorporated Synod of the Diocese of <sup>Preamble</sup> Ontario by its petition has represented that real property held in trust for the benefit of Churches, Parishes, Missions or congregation of The Anglican Church of Canada or The Church of England in Canada, in the said Diocese, has been conveyed to or otherwise vested in various corporations, trustees or individuals, in trust for certain specified purposes no longer deemed to be of use to The Anglican Church of Canada in the said Diocese; that it is onerous and impractical to maintain such property and that difficulties have been experienced in disposing of the same; and that it is desirable that The Incorporated Synod of the Diocese of Ontario, the Rector or Incumbent or Missionary of any Rectory, Church, Parish or Mission, either in his individual name or official title, and either separately or jointly with the Churchwardens of such Rectory, Church, Parish or Mission, or with trustees or others, the Churchwardens of any Parish, Church, Rectory or Mission either in their individual names or corporate title, certain persons named as trustees for the Church, Rectory, Parish, Mission or congregation or living or the Rector, Parson, Incumbent or Missionary be enabled to sell such properties with the consent of the Bishop of Ontario and the Executive Committee of The Incorporated Synod of the Diocese of Ontario; and whereas the petitioner has prayed for special legislation to authorize the sale of such property; and whereas the Bishop of Ontario and the Executive Committee of The Incorporated Synod of the Diocese of Ontario have consented to this petition; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Any lands which now are or shall be vested in (1) The Incorporated Synod of the Diocese of Ontario; (2) the Bishop of Ontario, either by his individual name or official title, and <sup>Sale of trust property authorized</sup>

either

either separately or jointly with others; (3) the Rector, or Incumbent, or Parson, or Missionary of the Rectory, Church, Parish or Mission, either by his individual name or official title, and either separately or jointly with the Churchwardens of such Rectory, Church, Parish or Mission, or with trustees or others; (4) the Churchwardens of the Parish, Church, Rectory or Mission, either by their individual names or corporate title; or (5) certain persons named as trustees for the Church, Rectory, Parish, Mission, or congregation or living, or for the Rector, Parson, Incumbent or Missionary; or (6) in any other corporation, person or persons under any other title, trust or designation either jointly, severally or otherwise, in trust for the general or special use or benefit of the members of The Anglican Church of Canada, The Church of England in Canada, or United Church of England and Ireland, in the said Diocese of Ontario, or for or in connection with any Church, Rectory, Parish, Mission, congregation, locality, living or Rectory in the said Diocese, or in trust for the use, benefit or endowment of any Church, Parish, Mission, living or Rectory, or for the use, benefit, support or endowment of any Parson, Incumbent, Missionary or Rector, or in trust for a parsonage, school or other object or purpose or use in connection with any such Church, Parish, Mission, congregation, locality, living or Rectory; may, notwithstanding anything in the deed or conveyance under which the same is vested or held (other than provided in section five of this Act), be sold, aliened and conveyed by the said Synod, Bishop, Corporation, Trustee or Trustees, Churchwardens, Rector, Incumbent, Missionary, or official or other persons, or individuals, or the successors or heirs of any of the aforesaid in whom the title of such lands is then held or vested in trust as aforesaid.

#### Consent

**2.** No sale of such lands shall be made unless the Vestry or Vestries having the right to appropriate or dispose of the rents, issues, profits or income thereof, do, by a resolution passed for that purpose, authorize and consent to the sale of the same, nor unless such sale is approved of by the Incorporated Synod of the Diocese of Ontario; and if there be no Vestry in existence, or no Vestry having the right to appropriate or dispose of the rents, issues, profits or income of the said lands, the said Synod may consent to and approve of the said sale and all proper and necessary parties shall join in conveying the same to the purchaser thereof.

#### Application of proceeds

**3.** The proceeds of such sale shall be paid to the said Synod, which shall hold the same under the same trusts, uses, endowments or purposes, as those for which the said lands were given and held as aforesaid, and may invest or apply the same for the benefit of the said trust, use, endow-



ment or purpose; or, if desired by the Vestry and approved by the said Synod, in the purchase of other lands for the said trust, use, endowment or purpose, as may be approved of by the said Synod; or in case, from a change of circumstances, it becomes impossible or inadvisable to carry out the original trust, use, endowment or purpose, such proceeds may, if so desired by the said Vestry, be applied for other Church purposes for the benefit of the Church, Parish, Mission or congregation on whose behalf the said trust, use, endowment or purpose was created, with the consent of any person or persons having a pecuniary or life interest in such trust property for the time being; provided that the consent and approval of the Synod to the appropriation of such proceeds to such other Church purposes shall have first been obtained, and if there is no Vestry in existence, or no Vestry having the right as in section two described, the said Synod may determine the other Church purposes to which such proceeds may be applied.

4. The purchaser of such real property or any part thereof shall not be bound in any manner or means to inquire into the application of the purchase money arising from the sale of such real property. Purchaser not bound to inquire re application of money

5. Nothing in this Act shall alter or affect any condition or provision for a resulting trust in favour of any grantor or settlor of any such lands, or their heirs or assigns, which may be contained in any deed conveying such lands in trust as aforesaid to any of the parties named in section 1 or which may otherwise arise in respect of such lands. Resulting trusts

6. The said Synod may exercise the powers conferred upon it by this Act by and through such Boards or Committees thereof as the said Synod may from time to time appoint by resolution, by-law or Canon, and the act, consent or approval by the said Synod under this Act shall be exercised by resolution, and the execution of the deed by the Bishop of Ontario and by the Secretary of the said Synod, or a memorandum of consent endorsed on the deed and signed by them and attested by the seal of the said Synod shall in favour of the purchaser and his heirs and assigns be conclusive evidence of the said act, deed, consent or approval of the said Synod under the powers conferred upon it by this Act. Exercise of powers under this Act

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Incorporated Synod of the Diocese of Ontario Act, 1959*. Short title



## CHAPTER 119

### An Act respecting the City of Kingston and Queen's University at Kingston

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Kingston Preamble  
and Queen's University at Kingston by their petition  
have prayed for special legislation in respect of the matters  
hereinafter set forth; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) The Corporation of the City of Kingston, herein  
called the "Corporation", may subscribe for and hold shares Participa-  
tion in  
Company  
by City  
in Kingston Mineral Developments Limited, herein called  
the "Company", a corporation incorporated or to be incor-  
porated under *The Corporations Act, 1953* to acquire by pur- 1953, c. 19  
chase, lease or otherwise, on the lands described in the Schedule  
hereto and not elsewhere, mines, mining lands, mining claims,  
mineral rights or any interests therein and to sell, lease, sub-  
lease or otherwise dispose of such mines, lands, claims, rights  
or interests and on any lease or sublease thereof to take and  
accept royalties therefrom, and may loan money to the  
Company on security of real or personal property or without  
security and may guarantee payment of money borrowed by  
it; provided that the aggregate of the money invested by the  
Corporation in shares of the Company and any money out-  
standing on loan by the Corporation to the Company, including  
money guaranteed by the Corporation on behalf of the  
Company, shall not exceed at any one time the sum of \$5,000  
without the approval of the Ontario Municipal Board.

(2) The Corporation may borrow money for the purposes Borrowing  
powers  
of subsection 1 without the assent of the electors and may  
issue debentures therefor.

**2.** Notwithstanding anything in *The Charitable Gifts Act* Participation  
in Company  
by  
University  
R.S.O. 1950,  
c. 48  
or any other Act, Queen's University at Kingston may sub-  
scribe for and hold shares in the Company without restriction

and

and may loan money to the Company on security of real or personal property or without security and may guarantee payment of money borrowed by it; provided that the aggregate of the money invested by the University in shares of the Company and any money outstanding on loan by the University to the Company, including money guaranteed by the University on behalf of the Company, shall not exceed at any one time the sum of \$10,000.

Municipal  
taxes

**3.** The Company, and its lessee or lessees, shall be subject to all municipal taxation.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The City of Kingston and Queen's University at Kingston Act, 1959*.

## SCHEDULE

All those portions of the beds of the Cataraqui River (Rideau Canal), Lake Ontario and the St. Lawrence River situate, lying, and being in the City of Kingston and in the Township of Pittsburgh, County of Frontenac, which lie within the following described limits.

Premising that the bearings hereinafter mentioned are astronomical and are referred to the meridian through the north-west angle of lot 21, concession 1 in the geographical Township of Kingston now in the City of Kingston.

Bounded on the north by the most northerly limit of the City of Kingston as established in the year 1958;

Bounded on the west by a line drawn south 4 degrees 4 minutes and 30 seconds east from a concrete survey monument planted in the southerly limit of the Front Road at the high water mark on the westerly shore of Cataraqui Bay of Lake Ontario and which monument is located in lot 13 of the broken front concession in the geographical Township of Kingston, now in the City of Kingston;

Bounded on the east by a line drawn south 4 degrees 00 minutes east from the south-west angle of lot A fronting on the St. Lawrence River in the Township of Pittsburgh;

Bounded on the south by:

- (a) the high water mark of Lake Ontario along the northerly and easterly shores of Simcoe Island, and
- (b) by a line in Lake Ontario and the St. Lawrence River, every point of which is distant 1500 feet from the nearest point of the high water mark of Lake Ontario and the St. Lawrence River along the northerly shore of Wolfe Island.





## CHAPTER 120

## An Act respecting the City of London

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of London, Preamble  
 herein called the Corporation, by its petition has prayed  
 for special legislation in respect of the matters hereinafter set  
 forth; and whereas it is expedient to grant the prayer of the  
 petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.** The Corporation is authorized and empowered to pay Compassionate allowance authorized  
 from year to year, in the discretion of the council thereof,  
 such sums as to the council may appear proper, not exceeding  
 \$1,307 per year, as a compassionate allowance to John Hunter  
 Christie, who was injured in the service of the Corporation.

**2.** The Corporation is authorized and empowered to pass Regulation of traffic over lane  
 by-laws regulating and governing pedestrian and vehicular  
 traffic over a lane, that is vested in the Corporation, extend-  
 ing easterly from the easterly limit of Marshall Street, in the  
 City of London, to Lyle Street, and for prohibiting the parking  
 of motor vehicles on all or any part thereof, and for prohibiting  
 traffic thereon in any but one direction.

**3.** Those parts of Lot No. 35 on the west side of St. George Sale of park land authorized  
 Street and of Lot No. 35 on the east side of Great Talbot  
 Street, in the City of London, conveyed to the Corporation  
 by deed registered as No. 27127 for the West Division for park  
 purposes and that are not useful for such purposes, are  
 vested in the Corporation, freed and discharged from the  
 conditions set forth in the deed, and the Corporation is  
 authorized and empowered to sell the same and convey good  
 title thereto.

**4.—(1)** That portion of Great Talbot Street, lying north Lands vested in Corporation as a public highway  
 of Oxford Street and south of St. James Street and west of a  
 line drawn parallel to the east limit of Great Talbot Street  
 and distant 99 feet westerly therefrom, conveyed by the

Corporation to Alexander Harvey on the 14th day of December, 1892, subject to conditions that have not been fulfilled, are vested in the Corporation as a public highway.

Closing up  
of street

(2) The Corporation is authorized and empowered to pass by-laws from time to time to stop up and close portions of Great Talbot Street lying north of Oxford Street and south of St. James Street and west of a line drawn parallel to the east limit of such street and 117 feet westerly therefrom and to convey those portions of such street so stopped up and closed to the persons owning the lands adjoining on the west, with such reservations as to easements for services, including sewers, water mains, water pipes, electric wires and telephone wires whether carried in underground conduits or otherwise, as to the council of the Corporation may appear proper.

Application  
of  
R.S.O. 1950,  
c. 243

(3) It shall not be necessary in exercising the powers granted by subsection 2 to observe or perform any of the conditions or provisions of *The Municipal Act* applicable to street closing

Nursing  
homes,  
regulation of

**5.**—(1) The Corporation is authorized and empowered to pass by-laws regulating, licensing and governing nursing homes and imposing penalties for the infraction thereof.

Interpre-  
tation

(2) For the purpose of subsection 1, "nursing homes" includes those places other than public hospitals or private hospitals wherein persons are lodged for hire and, in addition to such lodging, are given some nursing care.

1896, c. 82,  
s. 18, subs. 1,  
repealed

**6.**—(1) Subsection 1 of section 18 of *An Act respecting the City of London*, being chapter 82 of the Statutes of Ontario, 1896, is repealed.

1926, c. 88,  
s. 7,  
repealed

(2) Section 7 of *The City of London Act, 1926* is repealed.

Transfer  
of funds

(3) The funds collected under the provisions repealed by subsections 1 and 2 may be transferred to the general funds of the Corporation.

Agreement  
ratified

**7.**—(1) The agreement between the Corporation, Covent Garden Building Incorporated and others, bearing date the 19th day of June, 1958, set forth as Schedule A hereto, is ratified and confirmed, and the parties thereto are authorized and empowered to carry out the terms thereof.

Debentures  
authorized

(2) The Corporation is empowered and is declared to have been empowered to issue debentures without the vote of the ratepayers thereof for the purposes set forth in the agreement.

(3) The building referred to in the agreement and the use thereof shall, for all purposes, be deemed to be and to be the operation of a public market. Building referred to in agreement

8. Subsection 1 of section 3 of *The City of London Act, 1954* is amended by inserting after "maintain" in the second line "curling rinks and", so that the subsection shall read as follows: 1954, c. 115, s. 3, subs. 1, amended

- (1) The Corporation is empowered to construct, operate and maintain curling rinks and outdoor skating rinks of natural or artificial ice with necessary buildings and equipment and to pass by-laws regulating the operation and use thereof, and for charging fees for such use. Curling and skating rinks

9. The Corporation is authorized and empowered to invest in and hold stock in limited dividend companies as defined in the *National Housing Act* (Canada), and to enter into agreements and arrangements with persons or corporations, to provide for elderly persons' housing and to carry out the same. Investment powers and agreements re elderly persons' housing R.S.C. 1952, c. 188

10.—(1) Notwithstanding any other Act, the Corporation is empowered and is declared to have been empowered to proceed with and construct the Chelsea Heights storm and sanitary sewers and private drain connections. Chelsea Heights sewers

(2) Notwithstanding any other Act for such purposes, the Corporation is authorized and empowered and is declared to have been authorized and empowered to pass one or more by-laws for the construction thereof and for levying and for the issue of debentures in the principal amount not exceeding \$125,000 to defray the cost thereof and for levying charges under *The Local Improvement Act* for such works, other than the main storm sewer, and such by-laws when passed are declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. Construction by-laws, etc. R.S.O. 1950, c. 215

(3) Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of such by-law or by-laws and the debentures to be issued thereunder. Application of R.S.O. 1950, c. 262

11.—(1) The Corporation, The Public Utilities Commission thereof and the Ontario Water Resources Commission are authorized and empowered to enter into the preliminary agreement, set forth as Schedule B hereto, and the project agreement referred to and included therein, subject to the approval of the Ontario Municipal Board being obtained as recited therein. Water works Agreement authorized

Idem

(2) Upon the execution of the said agreements by the Corporation, The Public Utilities Commission thereof and the Ontario Water Resources Commission and the approval of the Ontario Municipal Board being obtained as recited therein, the same shall be legal, valid and binding upon the parties thereto, the ratepayers of the Corporation and the persons or corporations referred to therein, and the parties thereto are authorized and empowered to carry out the terms thereof.

Lands of  
Corporation  
appropriated  
for parking

**12.**—(1) Any lands owned or leased by the Corporation, when not required for other purposes, may be appropriated by by-law for the parking of motor vehicles until otherwise required and, in respect thereof, the Corporation is empowered to pass by-laws regulating, supervising and governing parking.

Land  
deemed  
highway  
re parking  
meters on  
R.S.O. 1950,  
c. 243

(2) Land, when so appropriated, shall be deemed to be a highway for the purposes of paragraph 7 of section 486 of *The Municipal Act* and the said paragraph shall apply to such land.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The City of London Act, 1959*.

## SCHEDULE A

THIS INDENTURE made in six parts this 19th day of June, in the year of our Lord one thousand nine hundred and fifty-eight.

BETWEEN:

COVENT GARDEN BUILDING INCORPORATED,  
a Corporation existing under the laws of the Province  
of Ontario (hereinafter called the Corporation),

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF LONDON  
(hereinafter called the City),

OF THE SECOND PART,

THE CANADA TRUST COMPANY, as Trustees recited  
(hereinafter called the Trustees),

OF THE THIRD PART,

THE LONDON LIFE INSURANCE COMPANY  
(hereinafter called London Life),

OF THE FOURTH PART,

THE CANADA LIFE ASSURANCE COMPANY  
(hereinafter called Canada Life),

OF THE FIFTH PART,

—and—

SIMPSONS LIMITED (hereinafter called Simpsons),

OF THE SIXTH PART.

WHEREAS the Corporation has caused to be constructed a building known as the Covent Garden Market and Parking Building on lands owned by the City, which building was constructed pursuant to an agreement entered into between the said parties under date the 18th day of January, 1955, and pursuant to which agreement a lease was duly entered into between the said parties under date the 15th day of February, 1956;

AND WHEREAS the Corporation for the purpose of the said construction has borrowed certain monies upon the security of first mortgage bonds now held by the London Life and the Canada Life, which bonds were issued pursuant to Indenture of Mortgage in favour of the Trustee, dated the 1st day of December, 1956;

AND WHEREAS Simpsons had entered into a deficiency agreement whereby certain obligations were assumed in respect of the said bonds;

AND WHEREAS the obligations of Simpsons under the said deficiency agreement are secured by certain Indenture of Mortgage in favour of the Trustee under date the 1st day of December, 1956;

AND WHEREAS the Corporation represents that because of the demand for the parking facilities offered by the said building it would be advantageous if two additional floors were constructed upon the said building for the said purposes, but that the Corporation is unable to finance the said construction;

AND



AND WHEREAS the said building, pursuant to the terms of the said agreement and the said lease, reverts to the possession of the City at the end of thirty years from the date of the said lease, or such sooner period of time as the costs of construction as referred to therein have been paid;

AND WHEREAS it has been agreed between the parties that the City should undertake the construction of the said two additional floors upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows:

1. The City will forthwith call for tenders for the construction of two additional floors upon the said building in the manner shown in the Plans and Specifications now prepared by the Consulting Engineers of the Corporation, namely, S. G. Chipman & Company Limited and upon the condition that the contract for such construction will provide a guarantee that the said construction will be complete and ready for occupancy on or before the 1st day of December, 1958, and that the general conditions of the contract shall be approved by the City and shall contain a provision for a performance bond and indemnity insurance to protect the City and the Corporation from all liability.

2. The tenders shall be filed with the City Clerk and shall not be opened, except in the presence of the Clerk and a representative or representatives of the City and the Corporation. Upon the opening of the said tenders the Corporation and the City shall agree in writing on the tender to be accepted, provided a tender is received from a contractor acceptable to the Corporation and the City and that the tender price be not more than \$400,000. If the lowest acceptable tender price exceeds the sum of \$400,000 by more than 5% no contract shall be awarded and this agreement shall be of no further force or effect. If the contractor is acceptable and the tender price is within the said limits, but exceeds the sum of \$400,000, the Corporation shall forthwith pay to the City, before the letting of any contract, the sum by which the tender price so exceeds the said sum and thereupon the City shall let the contract for the said construction subject to the terms and conditions set out in the instructions to tenderers and in accordance with the Plans and Specifications and General Conditions. Any amount by which the accepted tender may be below the sum of \$400,000 shall be applied first in payment of the City's expenses in connection with the construction, including costs of financing, other disbursements and solicitor's fees and disbursements and, if any amount remains, the same will be paid in satisfaction or on account of the Consulting Engineer's fees but otherwise the Consulting Engineer's fees shall be paid by the Corporation.

3. If the Contract for construction is entered into, it shall be under the supervision of the Consulting Engineers of the Corporation, Messrs. S. G. Chipman & Company Limited, or such architects or other engineers as may be agreed upon by the Corporation and the City. The Corporation will supply at no cost to the City other supervision required but there shall be no change in the Plans and Specifications or no extras authorized without the consent in writing of the City.

4. The City will pay for the cost of construction as the said construction proceeds and upon completion the said addition shall be turned over to the Corporation to operate as part of the parking facilities of the said building.

5. The revenue from the said addition shall be received by the Corporation and shall be subject to all the terms and conditions and provisions of the said agreement bearing date the 18th day of January, 1955 and the lease bearing date the 15th day of February, 1956, which shall be applicable to the said addition and the operation thereof as if the addition had been originally included and referred to therein. Pursuant to the provisions of *The Municipal Act*, upon the authority of which the City enters into the said construction, it is agreed that a fee will at all times be charged for the parking of motor vehicles in the said building.



6. Neither the Corporation nor the City shall in any way be liable for any loss of revenue, interference or inconvenience caused by or incidental to the said construction and there shall be no extension of the term of the said lease.

IN WITNESS WHEREOF the parties hereto of the First, Third, Fourth, Fifth and Sixth Parts have hereunto caused to be affixed their corporate seals attested by the hands of their proper signing officers authorized in that behalf and the party of the Second Part has hereunto caused to be affixed its corporate seal attested by the hands of its Mayor and Clerk.

SIGNED, SEALED AND  
DELIVERED

In the presence of

F. E. YAKE.

COVENT GARDEN BUILDING INCORPORATED:

(Seal) JOSEPH JEFFERY,  
W. E. MARA.

THE CORPORATION OF THE CITY OF LONDON:

J. ALLAN JOHNSTON,  
*Mayor.*

(Seal) R. H. COOPER,  
*Clerk.*

THE CANADA TRUST COMPANY:

H. S. ROBINSON,  
*Assistant Manager.*

(Seal) FRANK CADICK,  
*Accountant.*

THE LONDON LIFE INSURANCE COMPANY:

ALEXANDER JEFFERY,  
*First Vice-President.*

(Seal) W. F. PARSONS,  
*Acting Secretary.*

THE CANADA LIFE ASSURANCE COMPANY:

JOHN MCCARTHY,  
*Vice-President.*

(Seal) A. F. LINDSAY,  
*Assistant Treasurer.*

SIMPSONS LIMITED:

E. G. BURTON,  
*President.*

(Seal) K. W. KERNAGHAN,  
*Secretary.*

## SCHEDULE B

AGREEMENT for the preliminary work in a water works project,  
made this                    day of                    in the year of our Lord  
one thousand nine hundred and fifty-nine.

BETWEEN:

ONTARIO WATER RESOURCES COMMISSION  
(hereinafter called the Commission),

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF LONDON  
(hereinafter called the City),

OF THE SECOND PART,

—and—

THE PUBLIC UTILITIES COMMISSION OF THE  
CITY OF LONDON (hereinafter called the P.U.C.),

OF THE THIRD PART.

WHEREAS the Ontario Municipal Board has given approval to the City and the P.U.C. entering into this agreement with the Commission for the provision by the Commission of water supply facilities, including intake, filtration plant, pumping stations, pipeline and reservoir (hereinafter called the project) for the City and has authorized the City to expend certain moneys therefor;

AND WHEREAS this agreement is to provide for the performance of certain preliminary engineering and survey work and other incidental work and for the payment of the costs thereof in the event that the project should not be undertaken;

AND WHEREAS the estimated cost of the project is \$10,500,000.00;

AND WHEREAS this agreement is to provide for the execution of the project agreement if the City shall elect as hereinafter provided to proceed with the project;

AND WHEREAS the Lieutenant-Governor in Council has approved the Commission entering into this agreement;

WITNESSETH:

1. That the Commission shall retain and employ a consulting engineer or engineers, approved in writing by the City and the P.U.C., for the preparation of working plans and specifications for the project described in Schedule A attached hereto. Upon the course of the pipeline being determined the Commission shall employ surveyors to run the centre line of the required easement for the pipeline and to survey and stake the locations for the filter plant, pumping stations and other required lands.

2. That, upon completion of the working plans and specifications, the same shall be submitted for approval to the City and the P.U.C. for consideration before any tenders are called. The City and the P.U.C.

shall,

shall, before tenders are called, have one month within which to suggest any changes they may desire in such plans and specifications, but if no agreement be reached thereon the decision of the Ontario Water Resources Commission shall be final as to whether or not such suggested changes or any of them shall be incorporated in the working plans and specifications.

3. Upon the plans and specifications being so finalized tenders shall be called for thereon by the Commission forthwith when agreed upon by the P.U.C. and the O.W.R.C. and if not so agreed upon prior to the expiration of eighteen months after the plans and specifications are so finalized no tenders shall be called for thereafter and the project shall not be proceeded with unless the parties re-negotiate the agreement.

4. That the Clerk of the City and the General Manager of the P.U.C. shall receive notice of the time and place of the opening of the tenders for the construction of the project and the said Clerk of the City and the General Manager of the P.U.C. shall be entitled to be present at the opening of such tenders. The Commission shall promptly supply to the City and to the P.U.C. all particulars of the Consulting Engineers' tabulations with respect to the tenders for the information and guidance of the City and the P.U.C. and shall notify the City and the P.U.C. of the tender or tenders which it is prepared to accept.

5. That within forty-five days of the receipt of the Engineers' tabulations and the notice of the tender or tenders which the Commission is prepared to accept, whichever shall last be received, the City shall elect whether it will execute the project agreement with the Commission, which project agreement shall be substantially in the form attached as Schedule B hereto. Such election shall be made by registered letter, mailed postage prepaid by the Clerk of the City and addressed to the Commission at the Parliament Buildings, Queen's Park, Toronto, stating that the City is prepared to execute the project agreement as aforesaid. The Ontario Municipal Board has given its approval to the City entering into the project agreement provided that the total tenders and estimated miscellaneous costs of the project shall not exceed \$10,500,000.00 plus 10% thereof. If the total tenders and estimated miscellaneous costs of the project shall exceed the said sum plus 10% the City may not enter into the project agreement without the approval of the Ontario Municipal Board. In the event that the City does not elect to execute the said project agreement, or in the event that the Ontario Municipal Board declines to approve of the excess of expenditures over that already approved, the City shall repay to or reimburse the Commission for all engineering services and other incidental costs incurred by the Commission under the provisions of paragraph 1 hereof up to the time of the formal receipt of the tenders in connection with the project described in Schedule A attached hereto and incurred after this date but excluding however any costs incurred by or any salary or remuneration paid to any member of the Commission or to any member of the staff of the same. The City shall also pay the P.U.C. for any engineering fees paid to other than its own staff, incurred after the 1st day of July, 1958, to this date, in connection with the proposed pipeline project. The money for such payments shall be raised by debentures issued by the City as for a capital expenditure for water works purposes and the amount to be raised annually therefor shall be collected by the P.U.C. from water rates and paid to the City to retire the said debentures as they shall fall due, together with interest thereon.

6. The P.U.C. assents to this agreement within the meaning of section 39, ss. 7 of *The Ontario Water Resources Commission Act, 1957*.

7. This agreement sets forth the only obligations incurred by any of the parties hereto to this date.

8. This agreement shall come into force and take effect upon receiving the authority and confirmation of an Act of the Ontario Legislature empowering the parties to carry out and perform the same.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED, SEALED AND  
DELIVERED

In the presence of

THE ONTARIO WATER RESOURCES COMMISSION by:

.....  
*Chairman.*

.....  
*Secretary.*

THE CORPORATION OF THE CITY OF LONDON by:

.....  
*Mayor.*

.....  
*City Clerk.*

THE LONDON PUBLIC UTILITIES COMMISSION by:

.....  
*Chairman.*

.....  
*Secretary.*

*Schedule "B" to Agreement between the Parties hereto Dated*

## WATER WORKS PROJECT NO.

THIS INDENTURE made in triplicate this                      day of  
one thousand nine hundred and

BETWEEN:

ONTARIO WATER RESOURCES COMMISSION  
(hereinafter called "the Commission"),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF LONDON  
(hereinafter called the "City"),

OF THE SECOND PART,

—and—

THE PUBLIC UTILITIES COMMISSION OF THE  
CITY OF LONDON (hereinafter called the "P.U.C."),

OF THE THIRD PART.

WHEREAS the City has requested the Commission to provide certain water supply facilities as hereinafter provided;

AND WHEREAS the Commission has agreed so to do;

AND WHEREAS the Council of the City has on the                      day of  
19                      passed By-law No.                      authorizing  
the execution of this agreement by the City.

THIS INDENTURE WITNESSETH that in consideration of the premises and the covenants, conditions and payments hereinafter set forth, the parties hereto have agreed as follows:

*Section A—Construction (Structures and Assets)*

1. The Commission shall construct, acquire or provide, at its own expense, a water works project, summarized in Schedule "A" attached hereto and in accordance with the plans and specifications identified by execution by the parties under date the                      day of  
19                      (and hereinafter called the "project").

2. All property acquired or provided by the Commission for the purpose of this agreement shall be and remain the property of the Commission until ownership thereof is transferred by the Commission as hereinafter provided.

*Section B—Maintenance and Operation*

3. Until the title thereto is transferred as hereinafter provided, the Commission shall provide for the management and control, operation and maintenance of the said project. The Commission shall have the right to shut off or reduce the amount of the water supplied but only in case of emergency or breakdown or when it may be necessary in maintaining or extending the system, but the Commission shall wherever possible give the P.U.C. reasonable notice of intention to shut off or reduce the supply of water.

4. The P.U.C. or the City, whichever be empowered, shall, if and as required by the Commission, pass by-laws for the regulation and control of the use of water and the conservation of water supplied hereunder.



5. (a) The Commission undertakes to supply daily to the City water through the said project to an amount of not less than 90% of the project's rated capacity as it may exist from time to time. The P.U.C. shall be entitled to use and distribute the said water throughout the City and within the area shown in red on the plan hereto annexed. The Commission agrees that it will not permit the establishment or use of a system for the distribution of water to the public within the said area other than a system whose sole source of supply is the P.U.C. or the City.
- (b) When the project comes into operation the Public Utilities Commission will supply water to the area shown in red on the annexed map, which lies outside the City, as it may exist from time to time upon the following terms and conditions:
  - (i) extensions of mains will be made only where in the opinion of the Public Utilities Commission they are practical and economically justified, or as may be agreed upon by the Public Utilities Commission and the Township concerned;
  - (ii) subdividers of land and promoters of land sale or building schemes will be responsible for the cost of mains within subdivisions, their installation and connections thereto and may be required to pay the cost of bringing the water main to the subdivision;
  - (iii) extensions will not be granted where water supplies or pressures are not or will not be adequate;
  - (iv) nothing in this subsection shall affect existing agreements during their currency;
  - (v) no extension of mains shall be unreasonably withheld.
- (c) When the project comes into operation the rates for water to be supplied outside the corporate limits but within the area outlined in red on the map attached will be those fixed by present agreements during the term thereof unless the parties thereto, other than the P.U.C. and the City, consent to the cancellation of the same. Upon such consent being delivered in writing to the P.U.C., the same shall be cancelled. Upon the cancellation or determination of the agreements or where no agreement exists, the rates shall be fixed as follows:
  - (i) the rates charged for well water shall not exceed the ratio in effect at the present time and water from the project shall be sold to the consumers in the area at the same price;
  - (ii) the charge for hydrants shall be as determined by the P.U.C. from time to time;

the application of the foregoing charges shall be based on estimates at the beginning of each year with the necessary adjustments to be made at the end of each year.

6. The City, the P.U.C. and any persons or corporations supplied thereby shall not permit any connection to the City's distribution system directly or indirectly from unapproved sources of supply nor shall the City, the P.U.C. or any of the said persons or corporations permit contamination to gain entrance to the City's water mains. In the event that either of these contingencies should occur, then the City and the P.U.C. shall immediately take such steps as may be necessary to terminate such connection or contamination. Provided that nothing herein shall prevent the P.U.C. from using in its distribution system water from any underground sources if such water complies with the requirements of the O.W.R.C.



*Section C—Charges*

7. The City agrees in accordance with Section 40 of *The Ontario Water Resources Commission Act, 1957*, to pay to the Commission the following sums:

- (a) In each calendar year during the currency of this agreement commencing with the calendar year in which occurs the date of completion of the said project:
    - (i) The proportion payable by the City, as adjusted by the Commission, of the total amount of interest and expenses of debt service payable by the Commission in each such year in respect of all borrowings of the Commission from time to time outstanding and heretofore or hereafter made by the Commission for the purpose of meeting the cost or estimated cost of all water works projects and sewage works projects at any time heretofore or hereafter acquired, provided or constructed or in the course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purposes of the Commission respecting such projects including the refunding or repayment in whole or in part of any such borrowings;
    - (ii) The total cost to the Commission in each such year of the operation, supervision, maintenance, repair, administration and insurance of the said project; and
    - (iii) The total amount in each such year placed by the Commission to the credit of a reserve account for renewals, replacements and contingencies in respect of the said project, but not exceeding  $1\frac{1}{2}\%$  in any one year of the cost of the said project.
  - (b) In each calendar year for 30 years, commencing in the sixth year after the calendar year in which occurs the date of completion of said project, such sum as would be necessary with interest compounded annually thereon at the rate per annum specified in paragraph 2 of subsection 1 of Section 40 of *The Ontario Water Resources Commission Act, 1957*, to form at the expiry of 30 years a fund equal to the cost of said project. The P.U.C. may pay to the City for payment to the Commission during the first five years any additional amount not exceeding in any year 2% of the cost.
  - (c) The Commission shall not call on the City to pay any share of the debt due the Commission by any other Municipality.
8. (a) The City shall pay the Commission quarterly and not later than the 15th days of March, June, September and December in each year the sums due by the Municipality, in accordance with Section 42 of *The Ontario Water Resources Commission Act, 1957*.
- (b) In each calendar year, the Commission shall deliver to the City and the P.U.C. a statement showing how the charges, adjustments and allocations are made up.
  - (c) The Commission will reimburse the P.U.C. and add as part of the cost of the water project such engineering fees as may have been incurred therefor by the P.U.C. and paid to others since the 1st day of July, 1958.
  - (d) The P.U.C. shall raise by water rates in addition to all the other sums it shall require to raise for its purposes (in addition to all others which the P.U.C. may be obliged to pay to the City or to others) a sum to be paid to the City quarterly and equivalent to the amount required to be paid by the City hereunder

to the Commission. These payments shall be made by the P.U.C. to the City as and when the City is required to make the said payments to the Commission under this Agreement.

- (e) The covenant by the P.U.C. as contained in paragraph 8 (d) hereof is made on the express condition that after the payment to the City of the said quarterly payments and of any sums required to be paid to the City for the redemption of debentures issued by the City for water works and for the payment of all interest due or accruing due thereon the P.U.C. shall not be required to pay to the City any part of its surplus presently accumulated or which shall accumulate from time to time during the term of this agreement up to the date of the termination of this agreement, notwithstanding anything contained in any Act of the Ontario Legislature to the contrary and the P.U.C. shall be entitled to hold and administer such surplus for the purpose of rate stabilization and for the other purposes of the P.U.C. pertaining to the distribution and sale of water provided any surplus now accumulated or hereafter accumulated from the date hereof to the date the pipeline commences operation by the delivery of water to the P.U.C. shall not be used by the P.U.C. for a reduction in water rates.

#### *Section D—General*

- 9. (a) This agreement shall remain in force until all obligations of the City to the Commission have been discharged to the satisfaction of the Commission, as evidenced by a certificate under the seal of the Commission. Thereafter, the assets of the Commission acquired or provided solely for the said project may, at the request of the City or the Commission, be transferred to the City or any other body constituted for the distribution of water in the project area, together with the City's share of the reserve account upon such terms as the City and participant municipalities may agree and in default of agreement, subject to arbitration in the manner provided by section 40 (3) of *The Ontario Water Resources Commission Act, 1957*.
- (b) In the event that the project is turned over to such other body, the City shall be compensated for its equity. The equity of the City shall be calculated for the purpose of determining the payment which is to be made to the City for such equity and failing agreement thereon the matter shall be subject to arbitration in the manner provided by section 40 (3) of *The Ontario Water Resources Commission Act, 1957*.
- (c) Where, however, the project shall hereafter serve Municipalities or persons other than the City, neither shall this agreement terminate nor shall the ownership of the said assets be transferred unless and until it is shown to the satisfaction of the Commission that:
  - (i) All the obligations to the Commission of such other participants in respect of this project have been discharged or provided for, or the City has relieved and will indemnify the Commission from any obligations which the Commission may have arising in any way out of the participation in the project by such other participants;
  - (ii) The City has agreed with each of such other participants of this project as to the terms and conditions under which the City will take over the assets as aforesaid;
  - (iii) Any indebtedness of the other Municipalities of this project in respect to the water works project has been assigned to the City.

(d)

- (d) When and if the project is vested in the City, or other body, as provided in paragraph 9 (a) above, the City or such other body shall have the right and be empowered to hold and own lands, chattels and interests thereon belonging thereto and thereafter acquired therefor wherever situate and the P.U.C. or such other body shall have the right and be empowered to operate and carry on the project as constituted at any time, and to sell and supply water therefrom to others, and to make agreements with regard thereto.
- (e) If the powers of the P.U.C. in the City of London should be at any time determined, such rights, powers, privileges and obligations under this Agreement shall vest in the City.
10. (a) The Commission may, but only after prior consultation with the P.U.C. and the City, permit any other municipality, person or persons to connect directly or indirectly to the project on such equitable terms and conditions as the Commission may see fit, but if the P.U.C., the City and the Commission do not agree thereon the matters shall be the subject of arbitration in the manner provided by section 40 (3) of *The Ontario Water Resources Commission Act, 1957*. It shall not be held that the project contemplated under this Agreement is exclusively for the purpose of the City and for such purpose the Commission shall have power to extend, alter or enlarge the project as it deems necessary provided that no additional capital costs therefor shall be charged to the City and further provided always that the amount of water as specified in Clause 5 (a) above be delivered to the City and the pressure thereof shall not be thereby diminished.
- (b) In the event that the Commission shall permit any other municipality, person or persons to connect as aforesaid, the Commission in readjusting the proportion payable by the City shall have regard, *inter alia*, to the amount of capital costs of the project already paid off, to the age of the project and to the needs of the party or parties so permitted to connect subject to the right of the City to arbitrate the same under Section 40 (3) of *The Ontario Water Resources Commission Act, 1957*.
11. The appropriate share of earnings on the Ontario Water Resources Commission Reserve Account and on the investment thereof shall be allocated and credited to the Reserve Account referred to in Clause 7, in accordance with Section 43 (3) of *The Ontario Water Resources Commission Act, 1957*.
12. The City and the P.U.C. are hereby declared to have the right to carry out the terms and conditions of this Agreement.

IN WITNESS WHEREOF the Commission, the City and the P.U.C. have caused this agreement to be executed by the affixing of their corporate seals attested by the signatures of their proper officers duly authorized in that behalf.

SIGNED, SEALED AND  
DELIVERED

In the Presence of

THE ONTARIO WATER RESOURCES COMMISSION by:

.....  
*Chairman.*

.....  
*Secretary.*

THE CORPORATION OF THE CITY OF LONDON by:

.....  
*Mayor.*

.....  
*City Clerk.*

THE LONDON PUBLIC UTILITIES COMMISSION by:

.....  
*Chairman.*

.....  
*Secretary.*

*Schedule "A" to the Preliminary and Project Agreements*

## Description of Project:

- (a) An intake at Lake Huron of 60" diameter, located within the approximate distance of five miles of the river mouth at Grand Bend;
- (b) A filtration plant at Lake Huron having an initial capacity of approximately 10 MGD;
- (c) A right-of-way for the water pipeline approximately 100' wide;
- (d) A pipeline 36" in diameter from Lake Huron to the City of London following the most economical route consistent with good engineering practice;
- (e) A storage reservoir, at or near London, having a capacity of 10 MG, if required after engineering studies;
- (f) A booster station or stations located between Lake Huron and London, having an initial capacity of approximately 10 MGD.
- (g) All the aforesaid with such variations as to measurements, sizes and capacities of pipeline, plant and equipment as the Engineers may recommend.





## CHAPTER 121

**An Act respecting  
the Township of Michipicoten**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Township of Michipicoten by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the Township of Michipicoten may, without submitting the same to a vote of the electors qualified to vote on money by-laws, pass a by-law or by-laws,

By-laws for  
police  
housing  
and  
debentures

- (a) for authorizing the acquisition of lands for and the erection of four residential units for accommodation of permanent police department personnel;
- (b) for authorizing the advance of funds out of current revenue not exceeding in the aggregate \$20,000 to be secured by second mortgages in such residential units; and
- (c) for authorizing the borrowing of an amount not exceeding \$48,000 in the aggregate and for issuing debentures therefor upon the credit of the Township without obtaining the approval of the Ontario Municipal Board and without the recital of the Municipal Board approval therein.

**2.** By-laws when duly passed under this Act shall be legally valid and binding upon The Corporation of the Township of Michipicoten and the ratepayers thereof.

By-laws  
binding

**3.** This Act shall be deemed to have come into force on the 1st day of January, 1959.

Commence-  
ment

**4.** This Act may be cited as *The Township of Michipicoten Act, 1959*.

Short title



## CHAPTER 122

## An Act respecting the Town of Mount Forest

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Town of Mount Forest by its petition has prayed for special legislation to confirm and validate By-law No. 2018 and to provide for the use of surplus moneys collected thereunder; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) By-law No. 2018 of The Corporation of the Town of Mount Forest, which was read a first and second time on the 4th day of February, 1952, set forth as the Schedule hereto, is hereby declared to be a by-law duly passed by the council of the Corporation and is confirmed and declared to be and to have been legal, valid and binding on and after the 4th day of February, 1952.

By-law confirmed

(2) By-law No. 2018 of The Corporation of the Town of Mount Forest may be amended with the approval of the Ontario Municipal Board.

Amendment of By-law

**2.** Notwithstanding anything contained in *The Municipal Act*, *The Public Utilities Act* or in any other Act, or in any other by-law of The Corporation of the Town of Mount Forest, rates heretofore collected under the authority of By-law No. 2018, and not required for the purposes therein set forth, may, at the discretion of the council of the Corporation be used and applied, firstly, to retire a bank loan of \$6,168.19 created in payment of the capital cost of extensions to the existing sewage collection system in the Town of Mount Forest and thereafter to the retirement of debentures heretofore issued under the authority of By-law No. 1089 of The Corporation of the Town of Mount Forest.

Application of rates  
 R.S.O. 1950,  
 cc. 243, 320

**3.** This Act comes into force on the day it receives Royal Assent.

Commencement

**4.** This Act may be cited as *The Town of Mount Forest Act, 1959*.

Short title

## SCHEDULE

## BY-LAW NUMBER 2018

A By-LAW to rescind and replace By-law Number 2001.

WHEREAS it is deemed expedient to provide for the collection of sewer rentals and to make provisions for varying rates of sewer rentals according to the annual charges for principal and interest of debentures issued under authority of By-law Number 1089 and for the operation and maintenance of the sewage collection system within the Town of Mount Forest.

NOW THEREFORE the Corporation of the Town of Mount Forest by its Council enacts as follows:

1. Subject to the provisions hereinafter contained there shall be charged against all rateable property served with water connection in the area set forth in the schedule hereto annexed, a sewer rental charge at the rate of 200% of the annual charge of water service to each property within the said area.

2. Such rates shall be collected by the Public Utilities Commission of the Town of Mount Forest, in the same manner, at the same time and on the same basis of discount as water rates are collected within the same area, and paid to the Town Treasurer.

3. The sewer rentals so collected shall be applied:

- (a) in payment of one-half of the annual charge for principal and interest of debentures issued under the authority of By-law Number 1089;
- (b) in payment of the operating and maintenance charges of the sewage collection system, pumping stations and sewage disposal plant.

4. Notwithstanding the sewer rental rate of 200% of water rates as set forth in paragraph 1 hereof, the Council, with the approval of the Ontario Municipal Board, may annually or from time to time as the requirements for funds to defray the charges set out in paragraph 3 hereof may vary, establish new sewer rentals rates sufficient to defray the debenture charges and estimated costs of operation and maintenance of the sewage collection system as set forth in sub-section (a) and (b) of paragraph 3 hereof.

5. The provisions of *The Assessment Act* relating to the collection of arrears of taxes shall be applicable to the collection of arrears of sewer rental charges.

6. By-law Number 2001 is hereby repealed.

READ a first and second time this 4th day of February, 1952.

R. F. McLELLAN,  
Mayor.

A. J. KEAIS,  
Clerk.

*Schedule Referred to in**By-Law No. 2018*

Sligo Road—Main to Fergus.

Durham—Normanby to Egremont.

Birmingham—from a point 200' west of Colcleugh to Egremont.

Wellington—from a point 250' west of Normanby to Egremont.

King—from Queen to Egremont.

Queen—from Wellington to a point 250' west of Main and from  
Main to a point 200' west of Market.

Waterloo—Cork to Main.

Miller—John to Market.

Water—from Sewage Treatment Plant to John.

Fergus—from Sligo to Queen.

Main St.—from a point 526' north of Sligo Road to Birmingham.

Main St.—from Queen to Market.

Elgin—from Durham to King.

Normanby—from Durham to Queen.

Colcleugh—from Birmingham to Wellington.

Dublin—from Princess to Queen.

Arthur—from North Water to Queen.

William—from Waterloo to Queen.

John—from North Water to a point 125' south of Queen.

Market—from Miller to Queen.

Albert—from Queen to Egremont.

Peel—from a point 397' south of Queen to Queen.

James—from North Water to Queen.





# CHAPTER 123

## An Act respecting the Township of North York

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Township of North York, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Where the council of the Corporation determines and, by by-law passed at any meeting by a vote of two-thirds of all the members thereof, declares it is desirable that a sidewalk be constructed on one side only of the street and that a certain portion, not exceeding one-third of the owners' share of the cost, be assessed on the lots fronting or abutting on the other side of the street, the council may specially assess the lands on the other side of the street in conformity with the by-law and, if a sidewalk is thereafter constructed on the other side of the street, the owners' portion of the cost shall be specially assessed in like manner and, except where inconsistent with this section, the provisions of *The Local Improvement Act* apply with respect thereto. Local improvement charge on both sides of street for sidewalk  
R.S.O. 1950, c. 215

**2.** Subsection 2 of section 1 of *The Township of North York Act, 1946*, as re-enacted by section 1 of *The Township of North York Act, 1957*, is amended by adding at the end thereof "which street lighting area may be enlarged from time to time by lands outside and adjacent to such area." 1946, c. 130, s. 1, subs. 2  
(1957, c. 147, s. 1), amended

**3.—(1)** Whenever a local improvement is carried out and an exemption is made of flanking of a lot, which flanking later becomes a frontage on the work which has been carried out, the Corporation may impose a charge of such amount as would have been assessed against such flanking had it been frontage at the time of the passing of the by-law. Charge on flanking that becomes frontage

(2) Notice of such charge shall be given by registered mail addressed to the then registered owner of such flanking. Notice of charge

## Appeal

(3) Any person complaining that the amount of flankage in respect of which the charge is imposed is incorrect may do so in writing delivered to the Township Clerk within ten days of the mailing of the notice under subsection 2 and the Township Clerk shall forthwith transmit the same to the court of revision and give to the complainant written notice of the time and place of the hearing of the complaint posted six days prior to the date set therefor, and the court of revision shall consider the complaint and its decision thereon shall be final and binding.

When due  
and  
payable

(4) Whenever such charge is so imposed, it shall be due and payable in equal annual instalments commencing the year when the flankage becomes the frontage on the work, and for such term of years as charges were imposed by the by-law.

Period in  
which  
charges  
payable

(5) The annual charges imposed or collected under this section shall be limited to those which would fall due during the period of the currency of the debentures issued for such work and five years thereafter and, when collected, shall be credited to the general funds of the Corporation.

Collection  
of charge

R.S.O. 1950,  
c. 215

(6) The Corporation shall have all the powers in respect of the collection of such annual charges as it would have had had they been imposed under *The Local Improvement Act*.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

## Short title

5. This Act may be cited as *The Township of North York Act, 1959*.

## CHAPTER 124

**An Act respecting  
The Ontario Threshermen's Mutual  
Fire Insurance Company**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Ontario Threshermen's Mutual Fire Insurance Company by its petition has represented that it was incorporated by *An Act to incorporate The Ontario Threshermen's Mutual Fire Insurance Company*, being chapter 147 of the Statutes of Ontario, 1922, and has prayed for special legislation varying the provisions of its Act of incorporation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *An Act to incorporate The Ontario Threshermen's Mutual Fire Insurance Company* is repealed and the following substituted therefor: 1922, c. 147, s. 2, re-enacted

2. The objects of the Company are and the Company has power and authority, Objects and powers

(a) to insure the following classes of property against fire on the premium note plan:

- (i) agricultural property as defined in section 103 of *The Insurance Act*, and
- (ii) threshing machines, separators, hullers, shredders and hay presses; engines, motors and appliances used in connection with the separation of grain from straw or for grinding grain or grinding and pressing fodder; and all appliances, equipment and machinery used in threshing and belonging to threshermen;

R.S.O. 1950, c. 183

(b) to do all things necessary or incidental to the powers referred to in clause a; and

(c)

- (c) to insure such property against the following supplemental perils, namely, windstorm, hail, lightning, explosion, riot, impact by aircraft or vehicles, smoke damage, water escape, earthquake, tornado, sprinkler leakage, civil commotion, malicious damage, weather and such other classes of insurance as may be prescribed by regulations made pursuant to section 27 of *The Insurance Act*; provided that, in the case of weather insurance, all liability for loss in excess of \$100 on any one risk shall be reinsured with a licensed weather insurance company.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Ontario Threshermen's Mutual Fire Insurance Company Act, 1959*.

## CHAPTER 125

## An Act respecting the City of Ottawa

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Ottawa, Preamble  
 herein called the Corporation, by its petition has prayed  
 for special legislation in respect of the matters hereinafter set  
 forth; and whereas it is expedient to grant the prayer of the  
 petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.**—(1) Notwithstanding anything contained in *The Ottawa* Debtenture  
*City Transportation Act*, being chapter 132 of the Statutes of payments  
 Ontario, 1920, as amended by sections 1 to 16 of *The City of* and deficits  
*Ottawa Act, 1948* and section 1 of *The City of Ottawa Act, 1954*, of trans-  
 The Corporation of the City of Ottawa may, for such period portation  
 or at such time or times and on such terms and conditions as system  
 may be agreed upon between the Corporation and Ottawa 1948, c. 117  
 Transportation Commission, 1954, c. 120

- (a) relieve the Commission in whole or in part from the obligation to make payments of principal and interest on debentures heretofore issued by the Corporation for the purposes of the Commission and substitute therefor fixed annual payments by the Commission to the Corporation in respect of so much of such debentures as were issued for the purchase of capital assets of the Commission required for the operation of an entirely bus transportation system;
- (b) provide for fixed annual payments by the Commission to the Corporation in respect of debentures to be issued by the Corporation for the purposes of the Commission in 1959;
- (c) pay to the Commission out of the general revenues of the Corporation the amount required to meet in whole or in part the deficit of the Commission, as at the 31st day of December, 1957, amounting to \$289,595.24, and the deficit of the Commission for 1958, estimated at \$610,000.



Debentures  
authorized  
R.S.O. 1950,  
c. 262

(2) Subject to sections 67 and 68 of *The Ontario Municipal Board Act*, the Corporation may pass by-laws, without obtaining the assent of the electors thereto, for borrowing and may borrow upon debentures of the Corporation such sum or sums of money as may be required to meet the payment or payments referred to in clause *c* of subsection 1.

Release of  
interest in  
assets to  
Corporation

(3) The Commission may release to the Corporation all its interest in assets which cease to be required for the operation of the transportation system.

Regulation  
of tolls  
and fares

(4) Notwithstanding anything contained in section 6 of *The Ottawa City Transportation Act* as amended, Ottawa Transportation Commission shall not be obligated during 1959 to regulate and fix tolls, tariffs of tolls and fares of the transportation system of the Commission in accordance with the said section 6, and, notwithstanding anything contained in section 7 of the said Act as amended, Ottawa Transportation Commission shall not be obligated during 1959 and 1960 to regulate and fix tolls, tariffs of tolls and fares of the transportation system of the Commission in accordance with the said section 7.

1920, c. 132,  
s. 12,  
re-enacted

**2.** Section 12 of *The Ottawa City Transportation Act*, as amended by section 6 of *The City of Ottawa Act, 1948*, is repealed and the following substituted therefor:

Debentures  
for trans-  
portation  
system

12.—(1) Whenever the Commission deems it necessary or convenient that money should be raised upon debentures of the Corporation for the purposes of the transportation system, it shall prepare and forward to the Council an estimate showing the purpose and amount of the proposed debenture issue.

Approval  
of two-  
thirds vote  
required  
R.S.O. 1950,  
c. 262

(2) If the Council, by an affirmative vote of two-thirds of the members thereof present and voting, approves of the debenture issue, it may, subject to sections 67 and 68 of *The Ontario Municipal Board Act*, pass a by-law, without obtaining the assent of the electors thereto, for borrowing and may borrow upon debentures of the Corporation such sum or sums of money as may be requisite for such purpose.

Where no  
approval,  
assent of  
electors  
required

(3) If a motion to approve of the proposed debenture issue fails to receive a vote of two-thirds of the members present and voting or if the Council fails, within six weeks after the date upon which such estimate is received by it or such longer period as may be agreed upon between the Corporation and the Commission, to provide by by-law for raising

upon



upon debentures the sum specified by the Commission, the Council shall submit a question as to whether the debentures shall be issued to a vote of the electors qualified to vote on money by-laws in the manner provided by *The Municipal Act* and, if the electors assent thereto, the Council shall, within one month after the taking of the vote, pass a by-law authorizing the issue of the debentures and shall thereafter issue the same, and it shall not be necessary that the by-law shall be submitted to the electors for their assent.

**3.** Subsections 2, 3, 4, 5 and 6 of section 2 of *The City of Ottawa Act, 1956* are repealed and the following substituted therefor: <sup>1956, c. 112, s. 2, subss. 2-6, re-enacted</sup>

- (2) A parking authority established under this section shall be a body corporate and shall consist of five members, each of whom shall be a resident or rate-payer of the City of Ottawa. <sup>Incorporation</sup>
- (3) Three of the members of the parking authority shall be appointed by the council on the nomination of the Board of Control and two of the members shall be nominated and appointed by the council, but, in the event of the Board of Control failing to submit a nomination to the council in respect of one of the first three above-mentioned members within one month after, <sup>Appointment of members</sup>
  - (a) the passing of the by-law establishing the parking authority;
  - (b) the term of office for which a member is appointed expires; or
  - (c) the office of a member becomes vacant,

the council may, on the affirmative vote of at least two-thirds of all the members of the council present and voting, nominate and appoint the member.

- (4) The three members firstly mentioned in subsection 3 shall hold office for three years, except on the establishment of the parking authority, when one member shall be appointed to hold office for three years, one for two years and one for one year, and the two members secondly mentioned in subsection 3 shall hold office during the term of office of the members of the council by whom they are appointed. <sup>Term of office</sup>

(5)

Idem

- (5) Notwithstanding the expiry of the term of office for which he is appointed, a member of the parking authority shall hold office until his successor is appointed.

Vacancy

- (6) Whenever the office of a member of the parking authority becomes vacant during his term of office, the council shall, as set out in subsection 3, appoint as member some qualified person who shall hold office for the remainder of the term for which his immediate predecessor was appointed.

1952, c. 130,  
s. 5, subs. 1  
(1957,  
c. 150, s. 2),  
amended

4. Subsection 1 of section 5 of *The City of Ottawa Act, 1952*, as re-enacted by section 2 of *The City of Ottawa Act, 1957* and amended by section 2 of *The City of Ottawa Act, 1958*, is further amended by inserting after "faces" in the third line "land owned by Canada or any province of Canada or any country other than Canada or by any agency thereof or by the Corporation or by any local board as defined by *The Department of Municipal Affairs Act* or", so that the subsection shall read as follows:

Erection  
and  
alteration  
of buildings  
facing  
certain  
lands, etc.

- (1) The council of the Corporation may pass by-laws prohibiting the erection or alteration of any building or structure any part of which faces land owned by Canada or any province of Canada or any country other than Canada or by any agency thereof or by the Corporation or by any local board as defined by *The Department of Municipal Affairs Act* or a park, parkway or driveway of the Federal District Commission or a highway having a width of at least eighty feet or a highway specially designated on an official plan heretofore or hereafter lodged in the office of the Minister of Planning and Development under *The Planning Act, 1955* or the land acquired or to be acquired for the controlled-access highway known as the Queensway referred to in an agreement in writing dated the 19th day of March, 1957, between the Government of Canada, the Government of the Province of Ontario, Federal District Commission and The Corporation of the City of Ottawa or any similar property or highway unless a certificate of approval of the plans and specifications of the exterior design thereof has first been issued by an official or officials or by a committee or board appointed by the council.

R.S.O. 1950,  
c. 96

1955, c. 61

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of Ottawa Act, 1959*.

## CHAPTER 126

**An Act respecting the City of Peterborough**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Peterborough <sup>Preamble</sup>  
by its petition has represented that on the 3rd day of November, 1958, the council of The Corporation of the City of Peterborough gave first and second readings to By-law No. 1958-77, entitled "A By-law to authorize The Corporation of the City of Peterborough to enter into a contract with Border Transit Limited granting to Border Transit Limited a franchise for five years to operate a bus transportation system in the City of Peterborough and obligating The Corporation of the City of Peterborough to pay annually to Border Transit Limited such amount of money as may be necessary to provide the Company with a profit in its operation of the bus transportation system", and that the by-law has been assented to by the municipal electors qualified to vote on money by-laws for the City of Peterborough; and whereas the Corporation has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the City of Peterborough shall be deemed to have given first and second readings on the 3rd day of November, 1958, to By-law No. 1958-77 in the form as set forth in the Schedule hereto and is hereby authorized, notwithstanding section 2 of By-law No. 1958-77, to give third reading to and finally pass By-law No. 1958-77 as set forth in the Schedule hereto and to enter into the agreement forming part of the By-law as set forth in the Schedule hereto without obtaining the approval of the Ontario Municipal Board. <sup>Authority to pass bus franchise by-law</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The City of Peterborough Act*, <sup>Short title</sup>  
1959.

## SCHEDULE

## SCHEDULE

## BY-LAW No. 1958-77

A BY-LAW TO AUTHORIZE THE CORPORATION OF THE CITY OF PETERBOROUGH TO ENTER INTO A CONTRACT WITH BORDER TRANSIT LIMITED GRANTING TO BORDER TRANSIT LIMITED A FRANCHISE FOR FIVE YEARS TO OPERATE A BUS TRANSPORTATION SYSTEM IN THE CITY OF PETERBOROUGH AND OBLIGATING THE CORPORATION OF THE CITY OF PETERBOROUGH TO PAY ANNUALLY TO BORDER TRANSIT LIMITED SUCH AMOUNT OF MONEY AS MAY BE NECESSARY TO PROVIDE THE COMPANY WITH A REASONABLE PROFIT IN ITS OPERATION OF THE BUS TRANSPORTATION SYSTEM.

WHEREAS Border Transit Limited, operator of Peterborough Bus Lines, has been furnishing public transportation to the people of the City of Peterborough by means of buses on the streets of the City of Peterborough since the year 1927 and under an agreement with the Council of the City of Peterborough since January 1st, 1944.

AND WHEREAS Border Transit Limited has requested the Corporation of the City of Peterborough to grant to it the right to use certain streets of the City for a period of five years commencing on the 1st day of January, 1959.

AND WHEREAS Border Transit Limited has stated that it cannot operate a bus service to the people of the City even with an increase in fares unless the Corporation of the City of Peterborough agrees to pay annually to the Company an amount of money as may be necessary to provide the Company with a reasonable profit in its operation of the bus transportation system.

AND WHEREAS an agreement which is to become effective on the 1st day of January, 1959, has been arranged to the mutual satisfaction of the Corporation and the said Company.

AND WHEREAS the said agreement sets out in detail the obligations, terms and conditions binding upon the Corporation and the said Company, which agreement is attached hereto and set forth as Schedule "A" to this By-law and made a part thereof.

NOW THEREFORE The Corporation of the City of Peterborough by the Council thereof enacts as follows:

1. The Mayor and Clerk of the Corporation of the City of Peterborough be and they are hereby directed and authorized to sign the said agreement which is to become effective on the 1st day of January, 1959, which agreement is hereto annexed and is hereby incorporated and forms part of this By-law, and the said Clerk is hereby directed and authorized to affix the corporate seal of the Corporation to the said agreement.

2. This By-law shall not come into force and take effect until it has been assented to by the Municipal electors qualified to vote on money By-laws for the City of Peterborough as provided by *The Municipal Act*, R.S.O. 1950, Chapter 243, *The Municipal Franchises Act*, R.S.O. 1950, Chapter 249, and has been approved by the Ontario Municipal Board as provided by *The Ontario Municipal Board Act*, R.S.O. 1950, Chapter 262.

READ A FIRST AND SECOND TIME this 3rd day of November, 1958.

J. A. DEWART,  
Mayor.

E. A. OUTRAM,  
Clerk.

19 . READ A THIRD TIME and finally passed this 00th day of ,

Mayor.

Clerk.

Schedule "A",



*Schedule "A"*

THIS INDENTURE made in duplicate this 00th day of  
A.D. 19 .

BETWEEN:

THE CORPORATION OF THE CITY OF PETERBOROUGH,  
hereinafter called the "Corporation",

OF THE FIRST PART,

—and—

BORDER TRANSIT LIMITED, hereinafter called the  
"Company",

OF THE SECOND PART.

WHEREAS the Company was incorporated under the laws of the Province of Ontario and has been furnishing public transportation to the citizens of the City of Peterborough by the operation of its buses on the streets of Peterborough since the year 1927.

AND WHEREAS the Company has requested the Corporation to grant to the Company an exclusive passenger transportation franchise for bus service within the limits of the City of Peterborough.

AND WHEREAS the Municipal Council of the Corporation is desirous of granting the request of the Company, and this Agreement is entered into for that purpose.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree for themselves, their successors and assigns, as follows:

1. Subject to the agreements, obligations, terms and conditions hereinafter contained the Corporation hereto grants to the Company an exclusive passenger transportation franchise for bus service within the limits of the City of Peterborough for the term of five (5) years from and after the expiration of the term of the existing franchise, namely, December 31st, 1958 to the 31st day of December, 1963.

2. During the term of the franchise hereby granted the Company shall maintain and operate an adequate number of buses for carrying passengers in the City of Peterborough on such routes as are contained in Schedule (A) attached hereto and shall operate said buses daily at such hours and times as are contained in Schedule (A) hereto. The said Schedule may be varied from time to time by agreement of the Parties hereto and the Corporation agrees to confirm said variations by By-law.

3. All buses purchased or obtained by the Company during said term for operation in the City of Peterborough shall be of a reasonably modern design and type.

4. All buses used or operated by the Company during said term shall be kept at all times in a good and sufficient state of repair; shall be kept clean inside and out, and shall be lighted and heated at such hours and for such periods of the year as may be necessary.

5. The Company shall pay to the Corporation during the said term in two equal instalments payable on June 30th and December 31st, in each year thereof, an annual license fee of One Hundred Dollars (\$100.00).

6. This agreement is intended to confer upon the Company the exclusive right to pick up, convey, and discharge persons within the limits of the City of Peterborough, but shall not apply to the operation of motor buses or other vehicles running between any point within the City of Peterborough and cities, towns, villages and/or places outside the limits of the City of Peterborough, so long as such motor buses or other vehicles

do not convey passengers from one point within the limits of the said City to another point therein, and shall not apply at any time to taxi cabs and shall not apply to any operations or activities which the Company may undertake outside the limits of the City of Peterborough.

7. The rate of fares as of January 1st, 1959 for passenger transportation service within the City of Peterborough shall be:

Adult fare—15c cash or 3 tickets for 30c

Children under 53 inches in height—5c cash or 5 tickets for 25c.

Such fares shall be changed, altered or otherwise varied by the Company with the consent of the Council of the Corporation as expressed by by-law.

8. The Corporation will pay to the Company an annual subsidy in an amount equal to:

(a) In each of the calendar years 1959 and 1960, the sum of \$34,000.00 plus fifty percent of the deficit of the Company as determined before the inclusion of any subsidy payable by the Corporation.

(b) In each of the calendar years 1961, 1962 and 1963, the sum of \$45,000.00 plus fifty percent of the deficit of the Company as determined before the inclusion of any subsidy payable by the Corporation.

9.(a) If the amount of subsidy payable to the Company pursuant to clause number 8 and paragraph *a* of clause number 10 in any year shall result in a net profit of the Company for such year after payment of Federal and Provincial Corporation taxes of less than \$12,500.00, the Corporation shall pay to the Company forthwith an additional amount sufficient to guarantee the Company a minimum profit of \$12,500.00 for such year after the payment of Federal and Provincial Corporation taxes. In the event of termination of this Agreement at a time other than at the end of a calendar year, the said annual sum of \$12,500.00 shall be apportioned to the date of termination and any deficiency between the said net profit and said amount so apportioned will be paid to the Company.

(b) And further should the amount of subsidy payable to the Company under clause number 8 and paragraph *a* of clause number 10 in any year result in a net profit after payment of Federal and Provincial Corporation taxes of more than \$17,500.00 the Company shall refund to the Corporation an amount sufficient to reduce the net profit of the Company to \$17,500.00 for such year after payment of Federal and Provincial Corporation taxes. In the event of termination of this agreement at a time other than at the end of a calendar year the said sum of \$17,500.00 shall be apportioned to the date of termination and any excess of said net profit over said amount so apportioned shall be refunded to the Corporation.

10. The foregoing subsidy shall be subject to adjustment as follows:

(a) The Corporation shall pay to the Company, in addition to the subsidy, the increased cost arising from any increase in Provincial gasoline, license, or other transportation taxation rates not compensated for by a reduction of Federal Gasoline, license or other transportation taxation rates, above the rates prevailing on December 31, 1958. The Company shall pay to the Corporation any decreased cost arising from any reduction in Provincial Gasoline, License or other Transportation taxation rates not offset by an increase in Federal Gasoline, License or other Transportation taxation rates below the rates prevailing on December 31, 1958.

(b)



- (b) For the purpose of calculating the deficits referred to in items 8 (a) and 8 (b) depreciation on Company assets shall be taken at \$26,286.00 per year. If the maximum amount of depreciation allowable by the Department of National Revenue for Corporation tax purposes during the term of the contract calculated at rates permitted by the taxing authorities from year to year is less than the aggregate of the annual amounts taken for the purpose of determining Company deficits for this agreement, the Company shall, at termination of this agreement, pay such difference to the Corporation. On the other hand, should the maximum amount of depreciation claimed by the Company and allowed by the Department of National Revenue be higher than the \$26,286.00 each year the Corporation shall refund to the Company the difference.

11. The Corporation will pay the Company by monthly payment on the 15th day of each month, one-twelfth of the appropriate basic amount set out in Clause 8. The balance owing to the Company, if any, for operations of the previous year shall be paid to the Company within 30 days after receipt by the Corporation of an audited Profit and Loss Statement relating to the operations of said period.

The auditor of the Corporation shall have the right at all reasonable times during the currency of this agreement to examine and verify such of the Company's books of account, vouchers and records as may be necessary to determine the profit or loss of the Company and the amount of subsidy payable hereunder or the amount to which the City is entitled to receive by way of refund.

12. The Company may apply in writing to the Council of the Corporation for a further renewal or extension of the franchise granted and extended hereunder or as amended, and such application shall be filed with the Clerk of the Council of the Corporation on or before the 1st day of June, 1962.

13. The Company shall at all times during the said term indemnify and save harmless the Corporation, should the Corporation be held in any way liable for the operation of the Company's buses, and shall protect itself with an insurance policy or policies against accidents or liability to the public and/or passengers, and for property damage, as required by *The Highway Traffic Act* of the Province of Ontario and Regulations made thereunder, and *The Public Vehicle Act*, and the Company shall produce to the Council at a meeting held not later than the 1st day of March in every year every policy or guaranteed contract so made.

14. The Corporation shall during said term keep and maintain the streets upon which the Company bus routes are located in a reasonable state of repair and reasonably free from snow or other obstruction, to enable the Company to operate its buses thereon without damage.

15. The Corporation shall during the said term by By-law provide sufficient bus stops as the Company may require to conduct its business of carrying passengers as may be agreed upon between the parties hereto and shall adequately mark said bus stops.

16. The Corporation shall during said term by By-law regulate traffic in the City of Peterborough to enable the Company to operate its buses efficiently.

17. In the event of the Company desiring to sell or transfer en bloc all its assets and property used in connection with the said bus service during the said term, the Company hereby agrees to give to the Corporation a sole, irrevocable and exclusive first option, for a period of three months after being notified in writing by the Company, to purchase all the assets and property of the said Company used in connection with the said bus service for a price or compensation to be agreed upon between the parties hereto. If the parties hereto are unable to agree upon the price to be paid for the said property and assets, then the purchase price shall be ascertained under the provisions of *The Arbitration Act* of Ontario.

It is understood and agreed between the parties hereto that in determining the compensation to be paid to the said Company, nothing shall be taken into account or allowed for the franchise now being extended and granted by the Corporation, and it is further understood and agreed that the price to be paid for all buses and equipment acquired by the Company for use herein after January 1, 1959, shall be the undepreciated capital cost thereof, and for all assets and property acquired by the Company prior to January 1, 1959 shall be the actual market value calculated as of the date of such termination.

If the Corporation does not exercise the option hereby granted within a period of three months after written notification, then the Company may offer to sell or transfer its property and assets used in connection with the said business to any other person or Corporation and the Company agrees, before said assets and property are sold or transferred as aforesaid to any person or corporation intending to carry on said bus service in the City of Peterborough, that it will communicate the name of the proposed purchaser to the Corporation and undertakes that it will not sell or transfer said assets and property to any such person or corporation who is not acceptable to the Corporation, provided that the Corporation must act reasonably in determining whether or not any person or corporation is or is not acceptable.

18. In the event that the Corporation is obligated to make payments to the Company pursuant to Clause 9 (a) of this Agreement, either party shall have the right to terminate this Agreement upon three months' written notice to the other party. Upon such notice being given, the Corporation shall have the same rights to purchase as are set out in Clause Number 17 hereof.

19. If at any time during or after the said term of the agreement any dispute, difference or question shall arise between the parties hereto, or any of their representatives, touching this agreement, or any part thereof, or the construction, meaning or effect of this agreement or any part thereof, or anything herein contained, or the rights or liabilities of the parties, or their representatives, under this agreement, or otherwise, in relation to the premises, and if said matter cannot be settled by the parties hereto by negotiation, then every such dispute, difference or question shall be referred to a single arbitrator, if the parties agree upon one, otherwise to three arbitrators, one to be appointed by each party to the reference, and the third arbitrator to be a Judge of any County of the Province of Ontario and to be appointed by the Parties hereto in writing before they enter upon the business of the reference. If either party shall refuse or neglect to appoint an arbitrator within thirty days after the other party shall have appointed an arbitrator, and shall have served a written notice upon the first-mentioned party requiring such party to make such appointment, then the arbitrator first appointed shall, at the request of the party appointing him, proceed to hear and determine the matter in difference as if he were a single arbitrator appointed by both parties for the purpose, and the award or determination which shall be made by the said arbitrator, shall be final and binding on the parties hereto, their successors and assigns, and shall not be subject to appeal to any Court or Courts.

20. The Council of the Corporation shall forthwith at its own expense take or cause to be taken all necessary steps to lawfully pass or cause to be passed, a By-law of the Corporation with the assent of the qualified electors, to authorize the Corporation to enter into this agreement, and upon the date when said By-law is finally passed this agreement shall become effective.

21. The Company shall not be liable for damages arising from the cessation or interruption of the bus service herein, caused by fire, flood, act of God, strike, or other circumstance beyond the control of the Company.

22. The Corporation agrees to appoint each year a special Committee for the purpose of assisting the Company in policy matters relating to

routes, rates, and other matters relating to the efficient operation of the Company.

23. This Agreement shall be binding upon the Parties hereto, their successors and assigns.

IN WITNESS WHEREOF the said Parties hereto have hereunto affixed their Corporate seals attested by the hands of their proper signing officers in that behalf.

THE CORPORATION OF THE CITY OF  
PETERBOROUGH:

.....  
.....

BORDER TRANSIT LIMITED:

.....  
.....

[Schedule (A) to the Agreement, Routings and Service, attached.]



## CHAPTER 127

## An Act respecting the City of Port Arthur

*Assented to March 26th, 1959**Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Port Arthur Preamble by its petition has represented that, pursuant to the several by-laws referred to in the schedules to By-law No. 4289 of the City of Port Arthur, the several works referred to in the schedules have been constructed and the special assessment rolls for the works have been confirmed; and whereas the by-laws authorizing the construction of such works provide for the issue of debentures for longer terms than those specified in such special assessment rolls; and whereas the petitioner has passed By-law No. 4289 to provide for the issue of debentures for the terms set forth in such special assessment rolls; and whereas there is now no authority for such by-law and the petitioner has prayed for special legislation validating and confirming By-law No. 4289; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-law No. 4289 of the City of Port Arthur, passed by the council of The Corporation of the City of Port Arthur and set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof and, notwithstanding section 8 of By-law No. 4289, is effective on and after the day of the final passing thereof without the approval of the Ontario Municipal Board. Debenture by-law confirmed

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The City of Port Arthur Act*, Short title 1959.



## SCHEDULE

By-LAW No. 4289

## CITY OF PORT ARTHUR

A By-LAW to provide for borrowing \$382,868.84 upon debentures to pay for the construction of certain works.

WHEREAS, pursuant to the by-laws the numbers whereof are set forth in Schedule "A" to this by-law, the several works set forth in the said by-laws, hereinafter referred to as "the works", have been constructed on the streets or portions of streets set forth in the said by-laws, all as local improvements under the provisions of *The Local Improvement Act*;

AND WHEREAS The Department of Health for Ontario or the Water Resources Commission has approved of the construction of those of the said works which require such approval, and the numbers of its Certificates of Approval are set forth in the said schedule;

AND WHEREAS the passing of the said by-laws was duly approved by the Ontario Municipal Board by its several Orders the numbers whereof are respectively set forth in the said schedule;

AND WHEREAS the total cost of all the said works is \$382,868.84 of which \$160,922.29 is the Corporation's portion of the cost, and \$221,946.55 is the owners' portion of the cost, for which Special Assessment Rolls have been duly made and certified;

AND WHEREAS it is necessary to borrow the said sum of \$382,868.84 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of 5¼% per cent per annum payable half-yearly, which is the amount of the debt intended to be created by this by-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years, the amounts respectively set forth for each such year in Schedule "B" to this by-law;

AND WHEREAS it will be necessary in each of the years during the said period of twenty years to raise the sum set forth for such year in Column 5 of Part I of the said Schedule "B", of which the sum set forth for such year in Column 5 of Part II of the said Schedule "B" is required to pay the Owners' portion thereof and the sum set forth for such year in Column 5 of Part III of the said Schedule "B" is required to pay the Corporation's portion thereof;

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is \$60,939,643.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation is \$8,082,747.96 and no part of the principal or interest is in arrear;

AND WHEREAS by its Orders as shown in Schedule "A", The Ontario Municipal Board has approved the purpose of the said borrowing and the passing of this by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT ARTHUR ENACTS AS FOLLOWS:

1. THAT for the purposes aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$382,868.84 and debentures shall be issued therefor in sums of not less than \$50.00 each, bearing interest at the rate of 5¼% per centum per annum payable half-yearly, and having coupons attached thereto for the payment of the interest on the 30th day of June and the 31st day of December in each year of the currency of the debentures.



2. THAT the debentures shall all be dated the 31st day of December, 1958, and shall be payable in twenty annual instalments on the 31st day of December in each of the years 1959 to 1978, both inclusive, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Part I of Schedule "B" to this by-law.

3. THAT the said debentures as to both principal and interest shall be payable in lawful money of Canada at the principal office of the Bank of Montreal in any of the Cities of Port Arthur, Montreal, Toronto, Winnipeg or Vancouver, Canada, at the option of the holders thereof.

4. THAT each of the debentures shall be signed by the Mayor of the Corporation, or by some other person authorized by by-law to sign the same, and by the Treasurer of the Corporation and the Clerk shall attach thereto the Corporate Seal of the Corporation. The interest coupons shall be signed by the Treasurer of the Corporation, and his signature thereto may be written, stamped, lithographed or engraved.

5. THAT in each year during the period of twenty years, the currency of the debentures, the sum set forth for such year in Column 5 of Part I of the said Schedule "B" shall be raised for the payment of the debt and interest, as follows:

The sum set forth for such year in Column 5 of Part II of the said schedule shall be raised for the payment of the Corporation's portion of the debt and the interest thereon, and shall be levied and raised in such year by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the municipality, at the same time and in the same manner as other rates.

For the payment of the owners' portion of the cost of each of the said works, and the interest thereon, the special assessments set forth in the said Special Assessment Rolls as shown in column seven of said Schedule "A" are hereby imposed upon the lands liable therefor, as therein set forth, which said special assessments, with a sum sufficient to cover the interest thereon at the rate aforesaid shall be payable, and for that purpose the respective annual rates per foot frontage, as set forth in column nine of the said Schedule "A" are hereby imposed upon each lot entered on the said special assessment rolls for each of the said works, according to the assessed frontages thereof, over and above all other rates and taxes, which said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. THAT the debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof.

7. THAT the money to be borrowed as aforesaid shall be apportioned, crediting each work with the amount of the loan provided for by the by-law relating thereto as set forth.

8. THAT this by-law shall come into force and take effect on the day of the final passing thereof and when approved by the Ontario Municipal Board.

ENACTED AND PASSED this 5th day of January, 1959.

Council Chambers,  
Port Arthur, Ontario.

N. R. WILSON,  
*Mayor.*

ARTHUR H. EVANS,  
*Clerk.*

FIRST READING: November 3rd, 1958.

SECOND READING: November 3rd, 1958.

THIRD READING: January 5th, 1959.

## Schedule "A"

## PART I

BY-LAW No.	NATURE OF WORK	STREET	Number of Certificate of Approval of Department of Health	Number of Order of Ontario Municipal Board	Cost			Annual Rate Foot Frontage for Owners' Portion
					Corporation	Owners	Total	
3871	Opening, Improving and Grading	N. Empire from Van Norman to N. Lot of Lot 3, Con. "B".	.....	PFD-5552(d)56	\$ 82.94	\$ 575.98	\$ 658.92	.1438012
3871	Opening, Improving and Grading	Tokio from Algonquin to Kenogami.	.....	PFD-5552(d)56	323.15	166.19	489.34	.2176955
3871	Opening, Improving and Grading	Cuyler from Spruce Crescent to Hodder.	.....	PFD-5552(d)56	308.05	474.78	782.83	.2772287
3871	Opening, Improving and Grading	Pearl from New to 150 feet of New.	.....	PFD-5552(d)56	5.94	91.53	97.47	.1401334
3870	Opening, Improving and Grading	Shipley from Clayte to Margaret.	.....	PFD-5552(e)56	245.87	725.68	971.55	.1434954
3870	Opening, Improving and Grading	St. Clair from Otto to Shuniah.	.....	PFD-5552(e)56	328.10	882.87	1,210.97	.2275300
3870	Opening, Improving and Grading	Dobie from Melvin to Parsons.	.....	PFD-5552(e)56	769.77	321.57	1,091.34	.2369435
3870	Opening, Improving and Grading	Huron from Otto to Toledo.	.....	PFD-5552(e)56	339.17	636.10	975.27	.1708799
3870	Opening, Improving and Grading	Matthews from Pringle to Carstens.	.....	PFD-5552(e)56	177.57	1,264.85	1,442.42	.1885922
3871	Opening, Improving and Grading	Holly from Franklin to Lyon.	.....	PFD-5552(d)56	626.46	1,035.81	1,662.27	.3826649
3870	Opening, Improving and Grading	Parsons from Elm to Balsam.	.....	PFD-5552(e)56	358.91	490.49	849.40	.1608867
3871	Opening, Improving and Grading	Lane W. Algoma from Fitzgerald to Munro.	.....	PFD-5552(d)56	63.44	97.00	160.44	.1236249
3871	Opening, Improving and Grading	Elliott from Leslie to Hodder.	.....	PFD-5552(d)56	419.29	1,012.36	1,431.65	.2471521
3870	Opening, Improving and Grading	Dewe from Merrill to Cuyler.	.....	PFD-5552(e)56	525.77	1,670.86	2,196.63	.2626422
TOTAL .....					\$ 4,574.43	\$ 9,446.07	\$14,020.50	

PART II

By-LAW No.	NATURE OF WORK	STREET	Number of Certificate of Approval of Department of Health	Number of Order of Ontario Municipal Board	Cost			Annual Rate Foot Frontage for Owners' Portion
					Corporation	Owners	Total	
3871	Concrete Sidewalk	S/S Merrill from Hodder to Leslie	.....	PFD-5552(d)56	\$ 605.19	\$ 2,015.45	\$ 2,620.64	.4643774
3871	Concrete Sidewalk	N/S Arundel from Leslie to Grenville	.....	PFD-5552(d)56	535.14	1,902.57	2,437.71	.4106263
3870	Concrete Sidewalk	E/S Cumberland from McDougall to Powley	.....	PFD-5552(e)56	.....	1,066.48	1,066.48	.4242778
3871	Concrete Sidewalk	E/S Marlborough from Beresford to Bay	.....	PFD-5552(d)56	.....	2,548.32	2,548.32	.3970969
3870	Concrete Sidewalk	E/S Summit from Beresford to N. limit of Lot 7, Plan 684	.....	PFD-5552(e)56	21.27	933.74	955.01	.5128875
3871	Concrete Sidewalk	S/S Munro from Cumberland to Court	.....	PFD-5552(d)56	484.59	3,411.53	3,896.12	.4908312
3871	Concrete Sidewalk	N/S Van Norman from High to W. limit of Lot 3, Plan 133	.....	PFD-5552(d)56	.....	750.52	750.52	.6530782
3870	Concrete Sidewalk	N/S Pearl from Cumberland to Water	.....	PFD-5552(e)56	.....	2,181.62	2,181.62	.8370108
3870	Concrete Sidewalk	W/S Cumberland from Lincoln to Pearl	.....	PFD-5552(e)56	.....	1,584.59	1,584.59	.9703699
				TOTAL	\$ 1,646.19	\$16,394.82	\$18,041.01	

## PART III

By-LAW NO.	NATURE OF WORK	STREET	Number of Certificate of Approval of Department of Health or The Ontario Water Resources Commission	Number of Order of Ontario Municipal Board	Cost			Annual Rate Foot Frontage for Owners' Portion
					Corporation	Owners	Total	
3667	Sanitary Sewer and Watermain	Connee from Oswald to Chamberlain.....	50-A-80	PFD-2898(b)	\$ 3,431.64	\$ 8,542.50	\$11,974.14	.6406724
3718	Sanitary Sewer and Watermain	Dawson from Rockwood to Martha.....	50-B-58	PFD-3506(b)55	1,114.74	6,841.26	7,956.00	.5188684
3717	Sanitary Sewer and Watermain	N. Rockwood from Tupper to Dawson.....	55-A-289	PFD-3506(a)55	2,591.11	6,510.75	9,101.86	.5214233
3667	Sanitary Sewer and Watermain	Toledo from W/Side of Chamberlain to Nepigon	55-B-269	PFD-2898(b)	12,988.16	30,376.13	43,364.29	.6406763
3717	Sanitary Sewer and Watermain	Erle from Hodder to Leslie.....	50-A-80	PFD-3506(a)55	8,055.05	4,826.25	12,881.30	S-.3203381
3672	Sanitary Sewer	Front from McVicar to Van Horne.....	55-A-289	PFD-2898(c)	35,676.26	.....	35,676.26	W-.3203381
3717	Sanitary Sewer and Watermain	Nepigon from Otto to Toledo.....	55-B-269	PFD-3506(a)55	4,617.56	4,820.78	9,438.34	.....
3666	Sanitary Sewer and Watermain	Erie from Egan to Otto.....	54-A-632	PFD-2898(a)	955.55	1,574.63	2,530.18	.5709246
3717	Sanitary Sewer and Watermain	Dewe from Arundel to Murray.....	54-B-380	PFD-3506(a)55	6,116.97	9,292.50	15,409.47	.4036927
3672	Sanitary Sewer	Van Horne from Front to Cumberland.....	55-A-289	PFD-2898(c)	7,974.45	.....	7,974.45	.6406762
3871	Sanitary Sewer and Watermain	Huron from Otto to Toledo.....	54-A-153	PFD-5552(d)56	4,138.45	4,933.84	9,072.29	.....
			56-A-144					.5872452
			56-B-86					

3870	Sanitary Sewer and Watermain	Detroit from Otto to Toledo.....	56-A-144	PFD-5552(e)56	3,009.62	3,539.42	6,549.04	.4225711
3871	Sanitary Sewer and Watermain	St. Clair from Otto to N. limit of Lot 16 and Extension Southerly thereof, Plan 647 (99' Extra) .....	56-B-86					
3870	Sanitary Sewer and Watermain	Matthew from Margaret to N. limit of Lot 155, Plan 256.....	56-A-144	PFD-5552(d)56	1,826.08	796.72	2,622.81	S-1503491 W-2240140
3871	Sanitary Sewer and Watermain	Oliver Road .....	56-B-86	PFD-5552(e)56	2,302.10	3,236.58	5,538.68	.5339503
3871	Sanitary Sewer and Watermain	Holly from Franklin to Lyon.....	56-A-144	PFD-5552(d)56	1,492.37	9,136.02	10,628.39	.4690668
3871	Sanitary Sewer and Watermain	Erle from Leslie to Grenville.....	56-B-86	PFD-5552(d)56	2,228.60	2,159.75	4,388.35	.3594701
3718	Watermain	Oliver Road Extension to Lakehead College.....	56-B-86	PFD-5552(d)56	3,720.05	5,955.19	9,675.24	.6006768
3667	Sanitary Sewer and Watermain	Lawrence from Connee to Lots 27-36 R, Plan 617...	55-B-269	PFD-3506(b)55	531.97	5,722.50	6,254.47	.3203381
3718	Sanitary Sewer and Watermain	Windsor from Junot to Carl.....	54-A-153	PFD-2898(b)	4,092.30	1,252.50	5,344.80	.3203381
			55-A-289	PFD-3506(b)55	34,748.35	6,135.00	40,883.35	.6406762
			55-B-269					
				TOTAL.....	\$141,611.39	\$115,652.32	\$257,263.71	



PART IV

By-LAW No.	NATURE OF WORK	STREET	Number of Certificate of Approval of Department of Health or The Ontario Water Resources Commission	Number of Order of Ontario Municipal Board	Cost			Annual Rate Foot Frontage for Owners' Portion
					Corporation	Owners	Total	
3871	Storm Sewer.....	Pringle from Balsam to Hartviksen.....	56-A-144	PFD-5552(d)56	\$ 5,313.15	\$ 750.00	\$ 6,063.15	.0854235
3871	Storm Sewer.....	Dewe from Merrill to Adams.....	56-A-144	PFD-5552(d)56	4,538.03	1,056.00	5,594.03	.0854234
3870	Storm Sewer.....	Dewe from Adams to Boulevard Lake.....	56-A-144	PFD-5552(e)56	3,239.10	464.00	3,703.10	.0854235
				TOTALS.....	\$13,090.28	\$ 2,270.00	\$15,360.28	



PART V

By-LAW No.	NATURE OF WORK	STREET	Number of Certificate of Approval of Department of Health or The Ontario Water Resources Commission	Number of Order of Ontario Municipal Board	Cost			Annual Rate Foot Frontage for Owners' Portion
					Corporation	Owners	Total	
3938	House Sewer Connections and	.....	.....	PFD-6311-56	.....	.....	.....	.....
3939	House Water Connections	.....	.....	PFD-6311-56	.....	\$78,183.34	\$78,183.34	.....

PART VI

	Corporation	Owner	Total
1. Opening, Improving and Grading . . .	\$ 4,574.43	\$ 9,446.07	\$ 14,020.50
2. Concrete Sidewalks . . . . .	1,646.19	16,394.82	18,041.01
3. Sanitary Sewers and Watermains . . .	141,611.39	115,652.32	257,263.71
4. Storm Sewers . . . . .	13,090.28	2,270.00	15,360.28
5. House Sewer and Water Connections . . . . .	.....	78,183.34	78,183.34
	\$160,922.29	\$221,946.55	\$382,868.84

Schedule "B"

PART I

Term: 20 Years  
By-law No. 4289

Amount: \$382,868.84  
Interest: 5¼%

Deb. No.	Year	Interest	Principal	Annual Payment	Balance
1	1959	\$ 22,014.96	\$ 13,085.37	\$ 35,100.33	\$369,783.47
2	1960	21,262.54	13,837.79	35,100.33	355,945.68
3	1961	20,466.87	14,633.46	35,100.33	341,312.22
4	1962	19,625.44	15,474.89	35,100.33	325,837.33
5	1963	18,735.63	16,364.70	35,100.33	309,472.63
6	1964	17,794.66	13,999.86	31,794.52	295,472.77
7	1965	16,989.69	14,804.83	31,794.52	280,667.94
8	1966	16,138.39	15,656.13	31,794.52	265,011.81
9	1967	15,238.18	16,556.34	31,794.52	248,455.47
10	1968	14,286.18	17,508.34	31,794.52	230,947.13
11	1969	13,279.45	18,515.07	31,794.52	212,432.06
12	1970	12,214.84	19,579.68	31,794.52	192,852.38
13	1971	11,089.01	20,705.51	31,794.52	172,146.87
14	1972	9,898.45	21,896.07	31,794.52	150,250.80
15	1973	8,639.50	23,155.02	31,794.52	127,095.78
16	1974	7,308.00	22,659.19	29,967.19	104,436.59
17	1975	6,005.10	23,962.09	29,967.19	80,474.50
18	1976	4,627.28	25,339.91	29,967.19	55,134.59
19	1977	3,170.24	26,796.95	29,967.19	28,337.64
20	1978	1,629.55	28,337.64	29,967.19	.....
		<u>\$260,413.96</u>	<u>\$382,868.84</u>	<u>\$643,282.80</u>	<u>                    </u>

PART II  
OWNERS' SHARE

Term: 20 Years  
By-law No. 4289

Amount: \$221,946.55  
Interest: 5 $\frac{3}{4}$ %

Deb. No.	Year	Interest	Principal	Annual Payment	Balance
1	1959	\$ 12,761.93	\$ 7,877.91	\$ 20,639.84	\$214,087.45
2	1960	12,308.93	8,330.91	20,639.84	205,737.73
3	1961	11,829.91	8,809.93	20,639.84	196,927.80
4	1962	11,323.34	9,316.50	20,639.84	187,611.30
5	1963	10,787.63	9,852.21	20,639.84	177,759.09
6	1964	10,221.13	8,191.48	18,412.61	169,567.61
7	1965	9,750.15	8,662.46	18,412.61	160,905.15
8	1966	9,252.03	9,160.58	18,412.61	151,743.97
9	1967	8,725.32	9,687.29	18,412.61	142,057.28
10	1968	8,168.30	10,244.31	18,412.61	131,812.97
11	1969	7,579.24	10,833.37	18,412.61	120,979.60
12	1970	6,956.32	11,456.29	18,412.61	109,523.31
13	1971	6,297.59	12,115.02	18,412.61	97,408.29
14	1972	5,600.98	12,811.63	18,412.61	84,596.66
15	1973	4,864.35	13,548.26	18,412.61	71,048.40
16	1974	4,085.28	12,666.74	16,752.02	58,381.66
17	1975	3,356.95	13,395.07	16,752.02	44,986.59
18	1976	2,586.71	14,165.31	16,752.02	30,821.28
19	1977	1,772.22	14,979.80	16,752.02	15,841.48
20	1978	910.54	15,841.48	16,752.02	.....
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		\$149,138.85	\$221,946.55	\$371,085.40	
		<hr/>	<hr/>	<hr/>	<hr/>

PART III  
CITY'S SHARE

Term: 20 Years  
By-law No. 4289

Amount: \$160,922.29  
Interest: 5¾%

Deb. No.	Year	Interest	Principal	Annual Payment	Balance
1	1959	\$ 9,253.03	\$ 5,207.46	\$ 14,460.49	\$155,714.83
2	1960	8,953.61	5,506.88	14,460.49	150,207.95
3	1961	8,636.96	5,823.53	14,460.49	144,384.42
4	1962	8,302.10	6,158.39	14,460.49	138,226.03
5	1963	7,948.00	6,512.49	14,460.49	131,713.54
6	1964	7,573.53	5,808.38	13,381.91	125,905.16
7	1965	7,239.54	6,142.37	13,381.91	119,762.79
8	1966	6,886.36	6,495.55	13,381.91	113,267.24
9	1967	6,512.86	6,869.05	13,381.91	106,398.19
10	1968	6,117.88	7,264.03	13,381.91	99,134.16
11	1969	5,700.21	7,681.70	13,381.91	91,452.46
12	1970	5,258.52	8,123.39	13,381.91	83,329.07
13	1971	4,791.42	8,590.49	13,381.91	74,738.58
14	1972	4,297.47	9,084.44	13,381.91	65,654.14
15	1973	3,775.15	9,606.76	13,381.91	56,047.38
16	1974	3,222.72	9,992.45	13,215.17	46,054.93
17	1975	2,648.15	10,567.02	13,215.17	35,487.91
18	1976	2,040.55	11,174.62	13,215.17	24,313.29
19	1977	1,398.02	11,817.15	13,215.17	12,496.14
20	1978	719.03	12,496.14	13,215.17	.....
		<hr/>	<hr/>	<hr/>	<hr/>
		\$111,275.11	\$160,922.29	\$272,197.40	
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## CHAPTER 128

**An Act respecting  
The Roman Catholic Episcopal  
Corporation of Ottawa**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Roman Catholic Episcopal Corporation Preamble  
of Ottawa by its petition has represented that it was  
incorporated, as a corporation sole, by *An Act to incorporate  
the Roman Catholic Archbishop and Bishops in each Diocese in  
Lower Canada*, being chapter 136 of the Provincial Statutes  
of Canada, 1849, as amended by *An Act to change the name  
of the Roman Catholic Episcopal Corporation of Bytown*, being  
chapter 128 of the Statutes of the Province of Canada, 1861,  
*An Act relating to the Roman Catholic Episcopal Corporation  
of Ottawa*, being chapter 64 of the Statutes of the Province of  
Ontario, 1882-3, *An Act relating to the Roman Catholic Diocese  
of Ottawa*, being chapter 104 of the Statutes of Canada, 1884,  
and *The Roman Catholic Episcopal Corporation of Ottawa Act*, 1932, c. 103  
1932, and that the Corporation owns the lands described in  
the Schedule set forth hereto and is using them, and proposes  
to use them, for educational and recreational facilities for  
young boys; and whereas the petitioner has prayed for special  
legislation exempting the said lands and premises from taxa-  
tion for municipal and school purposes so long as they are  
used for such purposes; and whereas it is expedient to grant  
the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Notwithstanding any special or general Act, The Cor- Tax  
exemption  
poration of the City of Ottawa may pass by-laws exempting  
from taxes, other than local improvement rates, the lands  
and premises owned by The Roman Catholic Episcopal  
Corporation of Ottawa and described in the Schedule set forth  
hereto, provided such lands and premises are solely occupied  
by and used for the purposes of Le Patronage St-Vincent de  
Paul, but not if otherwise occupied or used, and any such by-  
law may provide that it shall have effect from year to year  
unless repealed.

Commence-  
ment

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1959.

Short title

**3.** This Act may be cited as *The Roman Catholic Episcopal Corporation of Ottawa Act, 1959*.

## SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of lands and premises situate, lying and being in the City of Ottawa, in the County of Carleton, particularly described as follows:

*Firstly:* All of Lots one (1), two (2), three (3), four (4) and five (5) on the east side of Notre Dame Street, and all of Lots seven (7) and eight (8) on the south side of St. Andrew Street as shown on a plan dated the 29th day of November, 1860, prepared by John L. P. O'Hanly, P.L.S., which said plan is filed of record in the Registry Office for the Registry Division of the City of Ottawa.

*Secondly:* All of Lots one (1), two (2), three (3), four (4), five (5) and A on the south side of St. Andrew Street; all of Lots six (6), seven (7), eight (8), fifteen (15), seventeen (17) and nineteen (19) on the west side of Parliament Street; all of Lots ten (10), nine (9), sixteen (16), eighteen (18) and twenty (20) on the east side of Parliament Street; all of Lots eleven (11), twelve (12), thirteen (13) and fourteen (14) on the south side of Robson Street; and also all of Robson and Parliament Streets with the exception of that part of Parliament Street which lies between Lots twenty-two (22) and twenty-three (23), as shown on a plan prepared by William Ryan Thistle for Messrs. Scott & McElhinny and registered in the Registry Office for the County of Carleton on Wednesday the 21st day of January, 1863, which said plan is also filed and of record in the Registry Office for the Registry Division of the City of Ottawa.

*Thirdly:* Lots twenty-one (21) and twenty-two (22) on the north side of St. Patrick Street (formerly Ottawa Street), both forming part of the subdivision of Villa Lot 9 on the north side of Ottawa Street (Plan 1863).



## CHAPTER 129

**An Act respecting  
The Roman Catholic Episcopal Corporation  
of the Diocese of Timmins**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Roman Catholic Episcopal Corporation <sup>Preamble</sup> of the Diocese of Timmins, herein called the Corporation, by its petition has represented that it was incorporated under the name of "The Catholic Episcopal Corporation of Timiskaming" by *An Act to incorporate the Catholic Episcopal Corporation of Timiskaming*, being chapter 82 of the Statutes of Canada, 1910, and that by *An Act respecting The Catholic Episcopal Corporation of Timiskaming*, being chapter 55 of the Statutes of Canada, 1958, its name was changed to "The Roman Catholic Episcopal Corporation of the Diocese of Timmins" and its objects, purposes and powers were clarified and amplified; and whereas the Corporation carries on its undertakings in the Province of Ontario and in the Province of Quebec and uncertainty has arisen as to its right to exercise in Ontario all of the powers set out in such Acts, more particularly with respect to the holding of real estate, the issuing of bonds and debentures and otherwise in respect of matters relating to its financial affairs; and whereas the petitioner has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Corporation has the same general power to acquire <sup>Real property</sup> and hold any land or interest therein as it would have if it were incorporated by or under a general or special Act of the Legislature.

**2.** All and every the estate and property, real and personal, heretofore granted to or acquired, taken, received, held, possessed or enjoyed by the Corporation, and all such estate and property now belonging to or hereafter acquired by the Corporation, shall be and are hereby vested in the Corporation, <sup>Property vested in corporation</sup>

notwithstanding

R.S.O. 1950,  
c. 241

notwithstanding any forfeiture or divesting of title previous to the date of the coming into force of this Act, and the said estate and property may be held, possessed and enjoyed by the Corporation; provided that any such estate and property that, prior to the coming into force of this Act, was vested in the Public Trustee by virtue of section 7 or 10 of *The Mortmain and Charitable Uses Act* and that is not being actually used and occupied for the purposes of the Corporation shall be sold within two years after the day this Act comes into force or within such extended period as may be determined by a judge of the Supreme Court, and, if it is not sold within such two years or such extended period, it shall vest forthwith in the Public Trustee and subsection 2 of section 10 of *The Mortmain and Charitable Uses Act* shall apply thereto.

Investments

3. The Corporation may invest its funds or any portion thereof either directly in the name of the Corporation or indirectly in the name of trustees in the purchase of such securities as it may deem advisable and may lend its funds or any portion thereof on any such securities, including mortgages.

Borrowing  
powers

4. The Corporation from time to time may, for the purposes of the Corporation,

- (a) borrow money upon the credit of the Corporation;
- (b) limit or increase the amount to be borrowed;
- (c) make, draw, accept, endorse or become party to promissory notes and bills of exchange, and every such note or bill made, drawn, accepted or endorsed by the party thereto, authorized by the by-laws of the Corporation and countersigned by the proper party thereto authorized by the by-laws of the Corporation, shall be binding upon the Corporation and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;
- (d) issue bonds, debentures or other securities of the Corporation;
- (e) pledge or sell such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient; and
- (f) mortgage, hypothecate or pledge any property of the Corporation, real or personal, present or future,

by



by way of trust deeds or otherwise to secure the repayment of any money borrowed for the purposes of the Corporation or which it is obligated to pay or the payment of which is guaranteed by it.

5. It is hereby declared that the Corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of the Corporation and shall be liable on all guarantees heretofore entered into by and in the name of the Corporation, notwithstanding that the Corporation may not have had power to borrow such moneys or to enter into such guarantees, as such borrowing or such guarantees would have been valid if done or entered into after this Act had come into force. Existing borrowings confirmed

6. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the Corporation shall not be obliged to see to the application of the moneys or any part thereof. Lender not obliged to see to application of moneys

7. The Corporation may lend money to, or otherwise assist, any corporation, organization, association, society, institution or foundation in union or affiliation with the Corporation and engaged in works and undertakings similar to those of the Corporation. Power to assist affiliated organizations

8. The Corporation may guarantee, with or without security and upon such terms as it may determine, any debts of, the performance of any obligations of and the repayment of any advances made to or for the purposes of any Roman Catholic corporation, organization, association or society engaged in activities in or partly in the Diocese of Timmins. Guarantee of obligations of others

9. This Act shall be read with *An Act to incorporate the Catholic Episcopal Corporation of Timiskaming*, being chapter 82 of the Statutes of Canada, 1910, and *An Act respecting The Catholic Episcopal Corporation of Timiskaming*, being chapter 55 of the Statutes of Canada, 1958, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the Corporation by such Acts. Construction with prior Acts

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The Roman Catholic Episcopal Corporation of the Diocese of Timmins Act, 1959*. Short title



## CHAPTER 130

**An Act respecting Royal Botanical Gardens**

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS the Board of the Royal Botanical Gardens Preamble by its petition has represented that it was incorporated by *The Royal Botanical Gardens Act, 1941* and that its membership was increased by *The Royal Botanical Gardens Act, 1954*; 1941, c. 75; 1954, c. 125 and whereas the Board has prayed for special legislation further amending *The Royal Botanical Gardens Act, 1941* with respect to the membership of the Board; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 2 of *The Royal Botanical Gardens Act, 1941*, as amended by section 1 of *The Royal Botanical Gardens Act, 1954*, is repealed and the following substituted therefor: 1941, c. 75, s. 2, subs. 1, re-enacted

- (1) The Board shall consist of twenty-two members as Constitution of Board follows:
- (a) three members of and nominated by the Board of Park Management of the City of Hamilton;
  - (b) three persons, not being members of the council of the City of Hamilton, who shall be nominated by the said council and who shall serve for three years;
  - (c) one person nominated by the Lieutenant-Governor in Council, who shall serve during the pleasure of the Lieutenant-Governor in Council;
  - (d) one person nominated by the Minister of Agriculture for the Province of Ontario for the time being;
  - (e) the Mayor of the City of Hamilton for the time being;

(f)

- (f) the President of McMaster University for the time being;
- (g) seven persons not being members of the Board of Park Management of the City of Hamilton or of the council of the City of Hamilton, each of whom shall be nominated by the Board of the Royal Botanical Gardens and hold office for five years from the 1st day of February in the year in which he is appointed except in the case of the first members nominated under this clause, one of whom shall hold office until the 1st day of February in the year following the first appointments, one for one year, one for two years, one for three years and one for four years from that date; but every such member shall continue in office until his successor is appointed and shall be eligible for reappointment; any vacancy occurring by the death or resignation of a member nominated under this clause, or from any cause other than the expiration of the time for which he was nominated, shall be filled by the board and the member so nominated in his place shall hold office for the remainder of his term and until his successor is nominated;
- (h) two persons nominated by the Governor-General in Council, who shall serve during the pleasure of the Governor-General in Council;
- (i) one person, not being a member of the council of the Town of Dundas, who shall be nominated by the said council and who shall serve for three years;
- (j) one person, not being a member of the council of the Town of Burlington, who shall be nominated by the said council and who shall serve for three years;
- (k) one person, not being a member of the council of the Township of West Flamboro, who shall be nominated by the said council and who shall serve for three years.

Commence-  
ment

**2.** This Act comes into force on the day its receives Royal Assent.

Short title

**3.** This Act may be cited as *The Royal Botanical Gardens Act, 1959*.

## CHAPTER 131

# An Act respecting the Royal Military College of Canada

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS the Royal Military College of Canada by its Preamble petition has represented that it was created by *An Act* <sup>1874, c. 36 (Can.)</sup> to establish a Military College in one of the Garrison Towns of Canada, being chapter 36 of the Statutes of Canada, 1874, to be an institution for the purpose of imparting a complete education in all branches of military tactics, fortification, engineering and general scientific knowledge in subjects connected with and necessary to a thorough knowledge of the military profession and for qualifying officers for command and for staff appointments; and whereas, under authority of section 46 of *The National Defence Act* (Canada), being <sup>1950, c. 43 (Can.)</sup> chapter 43 of the Statutes of Canada, 1950, the Governor in Council by P.C. 2512, dated the 19th day of May, 1950, entitled "Regulations for the Canadian Services Colleges", designated the College as one of the Canadian Services Colleges for the purpose of the education and training of officer cadets for the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force, with the government, conduct, management and control of the College and of its work, affairs and business being vested in the Minister of National Defence; and whereas the College by virtue of the *National Defence Act* (Canada) is now governed and administered according to the Queen's Regulations for the Canadian Services Colleges, P.C. 20/848 and P.C. 2/971, 1957, and is thereby empowered to grant diplomas, certificates and awards; and whereas the College has prayed for power to grant university degrees; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpreta-  
tion

- (a) "Chairmen of the Academic Divisions" means the members of the Teaching Staff appointed to head the

academic



academic divisions of the College, which are at present the Divisions of Arts, Science, Engineering and Graduate Studies;

- (b) "Chancellor" means the Chancellor of the College;
- (c) "College" means the Royal Military College of Canada;
- (d) "Commandant" means the Commandant of the College;
- (e) "Director of Studies" means the Director of Studies of the College;
- (f) "President" means the President of the College;
- (g) "Registrar" means the Registrar of the College;
- (h) "Senate" means the Senate of the College and consists of the President, the Commandant, the Director of Studies, the Chairmen of the Academic Divisions, and the Registrar as Secretary;
- (i) "Teaching Staff" includes the professors, associate professors, assistant professors, lecturers, and all other officers of instruction at the College.

Power of  
Senate to  
grant  
degrees

**2.—**(1) The Senate shall have the power to grant degrees and honorary degrees in arts, science and engineering.

Idem

(2) The Senate may also confer degrees in arts or science upon any person who successfully completed the curriculum in arts or science at the College during the period from the 1st day of September, 1948, to the 1st day of January, 1959.

Conferring  
of degrees

**3.** The Chancellor or, in his absence, the President or the Commandant shall have the power to confer degrees and honorary degrees upon candidates to whom such degrees have been granted by the Senate.

Commence-  
ment

**4.** This Act shall be deemed to have come into force on the 1st day of January, 1959.

Short title

**5.** This Act may be cited as *The Royal Military College of Canada Degrees Act, 1959*.



## CHAPTER 132

# An Act respecting the City of Sault Ste. Marie

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Sault Ste. Marie by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 7 of *The City of Sault Ste. Marie Act, 1957* is repealed and the following substituted therefor:

1957, c. 154,  
s. 7,  
re-enacted

7.—(1) If the operations of the Commission result in a deficit as shown on its annual audited statement, the Council, upon receiving application from the Commission and upon being satisfied that the amount of the deficit is required by the Commission, may include the amount of the deficit in the estimates of Council for the year in which application is made.

Operating  
deficit

(2) No application by the Commission to have the amount of its operating deficit included in the estimates of Council in any year shall be made to Council later than the 1st day of March in such year.

Application

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1959.

Commence-  
ment

**3.** This Act may be cited as *The City of Sault Ste. Marie Act, 1959*.

Short title



## CHAPTER 133

# An Act respecting the Roman Catholic Separate School Board of the City of Sault Ste. Marie

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Board of Trustees of the Roman Catholic Separate Schools for the City of Sault Ste. Marie has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The term of office for the present trustees of The Board of Trustees of the Roman Catholic Separate Schools for the City of Sault Ste. Marie shall terminate on the 31st day of December, 1959. Present trustees, term of office

**2.** Notwithstanding the provisions of *The Separate Schools Act*, an election by the supporters of the separate schools of the City of Sault Ste. Marie for the trustees of the Board shall be held in the year 1959 and every second year thereafter at the same time and place and by the same returning officer or officers and shall be conducted in the same manner as the municipal nominations and elections in and for the City of Sault Ste. Marie, and the provisions of *The Municipal Act* respecting the time and manner of holding nominations for elections, including the method of receiving nominations for office, the resignation of persons nominated and declarations of qualifications of office, shall apply *mutatis mutandis* to such and all subsequent elections. Election of trustees  
R.S.O. 1950,  
cc. 356, 243

**3.** The term of office for the trustees shall be for a period of two years. Term of office

**4.** This Act comes into force on the day it receives Royal Assent. Commencement

**5.** This Act may be cited as *The City of Sault Ste. Marie Separate School Board Act, 1959*. Short title



## CHAPTER 134

**An Act respecting  
The Sisters of the Good Shepherd of Quebec**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Sisters of the Good Shepherd of Quebec, <sup>Preamble</sup> herein called the Corporation, a corporation incorporated by *An Act respecting l'Asile du Bon-Pasteur de Québec*, being chapter 157 of the Statutes of Quebec, 1956-57, is the successor to Asylum of the Good Shepherd of Quebec, a corporation incorporated by *An Act to incorporate the Asylum of the Good Shepherd of Quebec*, being chapter 233 of the Statutes of the Province of Canada, 1855; and whereas the Corporation by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The lands described in the Schedule hereto, situate at <sup>Lands</sup> the Town of Hawkesbury in the County of Prescott and <sup>vested in</sup> Province of Ontario, acquired by Asylum of the Good Shepherd of Quebec, are hereby vested in the Corporation in fee simple free and clear from all right, title and interest of the Public Trustee and also free and clear from all right, title and interest other than that of the Corporation.

**2.**—(1) The Corporation is hereby empowered from time <sup>Powers</sup> to time to acquire in mortmain, to hold in perpetuity and to <sup>re land</sup> assure in mortmain any land in the Province of Ontario necessary for the actual use and occupation of the Corporation or for carrying on its undertaking.

(2) Land acquired or held by the Corporation shall be <sup>Idem</sup> disposed of by the Corporation within seven years from the time when the land ceases to be necessary for the actual use and occupation of the Corporation or for carrying on its undertaking.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Sisters of the Good Shepherd* <sup>Short title</sup> of Quebec Act, 1959.

## SCHEDULE

ALL AND SINGULAR, that certain parcel or tract of land and premises situate, lying and being in the Town of Hawkesbury in the County of Prescott and Province of Ontario, and being composed of parts of Blocks 23 and 24 on the Westerly side of McGill Street in the said Town of Hawkesbury, according to the plan of the said Town and made by A. J. McPherson, O.L.S., and registered in the Registry Office for the Registry Division of the County of Prescott on the 7th day of January, 1901 as Plan No. 37, the said lands being more particularly described as follows:

COMMENCING at a point in the Westerly boundary of McGill Street distant 23.48 feet Northerly from the intersection of the said boundary with the centre line of the lands formerly owned by the Canadian Northern Ontario Railway, the said centre line being described as follows:

"Commencing on the Westerly limit of McGill Street, said limit having a bearing of North 35 degrees, 56 minutes East, at a point on said Westerly limit distant 5.5 feet, measured Southerly thereon from the Southeast angle of Lot 40, Block 23, West McGill Street;

THENCE North 84 degrees, 20 minutes West to a point in the Easterly boundary of Reinhardt Street, said point being distant 15 feet measured southerly along said Easterly boundary from the Southwest angle of Lot 31 in Block 29, Registered Plan 37;"

THENCE from the said place of beginning (namely, 23.48 feet measured Northerly along the Westerly boundary of McGill Street from the above described centre line) Westerly and parallel with the said centre line a distance of 574.72 feet more or less to the Easterly or right bank of Mill Brook crossing Block 24 and flowing towards the Ottawa River;

THENCE Northerly but always following the right bank of said Mill Brook to its intersection with the production Westerly of a line drawn parallel with the line between Lots 43 and 44, Block 23, West McGill Street through a point in the Easterly limit of Lot 43 distant 15 feet southerly from the Northeast corner of Lot 43;

THENCE Easterly along the said parallel line a distance of 217 feet more or less to the Easterly limit of said Lot 43, West McGill Street;

THENCE Southerly along the Easterly limit of Lots 43, 42, 41 and 40, being also the Westerly limit of McGill Street a distance of 207.02 feet more or less to the point of commencement.



## CHAPTER 135

## An Act respecting the Township of Stamford

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Township of Stamford by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The agreement made between The Optimist Club of Niagara Falls and The Corporation of the Township of Stamford, dated the 12th day of January, 1959, and set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and The Corporation of the Township of Stamford is hereby empowered to pass all necessary by-laws and to do all other acts, matters and things as may be deemed necessary by the parties for the full and proper carrying out of the agreement. Agreement  
validated

**2.** *The Township of Stamford Act, 1956* is repealed. 1956, c. 121,  
repealed

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Township of Stamford Act, 1959*. Short title

## SCHEDULE

THIS AGREEMENT made, in quadruplicate, this 12th day of January, A.D. 1959.

BETWEEN:

THE OPTIMIST CLUB OF NIAGARA FALLS, a corporation duly incorporated under the laws of the Province of Ontario, with Head Office at the City of Niagara Falls, County of Welland, hereinafter called "the Party"

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF STAMFORD, hereinafter called "the Party"

OF THE SECOND PART.

WHEREAS the municipal Corporation of the Township of Stamford is the owner of the lands hereinafter described, which were conveyed to it for park and playground purposes, and which have been improved by the Corporation for such purposes;

AND WHEREAS heretofore the municipal Corporation entered into an agreement in writing dated 19th of January, 1956, and a supplementary agreement in writing dated the 5th of March, 1956, with one, W. A. Cook, for the construction of a swimming pool upon the said lands, which said agreements were validated by a Private Act of the Legislative Assembly of the Province of Ontario, being "The Township of Stamford Act, 1956";

AND WHEREAS the said W. A. Cook has not complied with the conditions therein set out and has confirmed his intention to abandon the construction of the said swimming pool and buildings, and the said agreements are therefore, by their terms, void and of no effect;

AND WHEREAS the Party of the First Part has proposed to the Municipal Corporation the leasing of the said lands by the Corporation to it for a period of twenty-five (25) years at an annual ground rental of \$1.00, with options for further leases of two successive periods of twenty-five (25) years each, upon the same rental, and said lease to be authorized by a Private Act of the Legislative Assembly of the Province of Ontario, and the Party of the First Part proposes to construct thereon a Youth Centre to provide facilities and programmes for the teaching of gymnastics, swimming, and life saving, basketball and other gymnasium sports, handicrafts, photography, public speaking, choral singing and other similar programmes, with the intent that the same shall revert to and vest in the Corporation at the termination of the twenty-five year lease period unless the said option is renewed and then at the termination of the said option period.

NOW THEREFORE the Parties hereto agree as follows:

1. The Municipal Corporation shall, by lease, be authorized by a Private Act of the Legislative Assembly of the Province of Ontario to let the lands described as follows:

"All and Singular that certain parcel or tract of land and premises situated, lying and being in the Township of Stamford, in the County of Welland, and being all that part of Lots Nos. 10 and 11 lying north of Culp Street, according to Registered Plan 49 for the said Township of Stamford".

unto the Party of the First Part for a term of twenty-five (25) years at the rate of \$1.00 per year, with an option to the said Party of the First

Part to further lease the said premises for two further and successive periods of twenty-five (25) years each upon the same terms and conditions. Notice of the intention of the Party of the First Part to exercise such option shall be given in writing to the Clerk of the Corporation not later than 6 months before the expiry of the first and subsequent period of twenty-five (25) years. The Parties hereto agree that the terms of the said lease shall be as follows:

- (a) The Party of the First Part shall, at its sole expense, erect a building to contain a swimming pool, a gymnasium, craft rooms, assembly and game rooms to be used or useable with such a project, and that the same shall be operated and available to members of the Optimist Youth Clubs of the municipality and contiguous municipalities at no cost or at an optional nominal cost not to exceed the price or sum of \$1.00 per youth per year. The Parties hereto further agree that the said premises may be let to other youth organizations or community groups for all appropriate purposes at fixed maximum hourly rates to be established annually, with approval of Council. The Parties hereto agree that the said rates may not be altered, save upon mutual agreement between the Parties, but may be subject to review upon the application of either Party, provided that no person may be refused the facilities of the Youth Centre upon the grounds only of his or her Creed, Race or Colour.
- (b) The Party of the First Part agrees to submit to the Council of the Municipal Corporation its proposed building plans for the approval of the Council and of the Corporation's Building Inspector. The Party of the First Part further agrees to show financial responsibility for completing construction of the building before work commences.
- (c) The Party of the First Part agrees to provide or ensure supervision during such times as the building or its facilities are open for use by youths and agrees, whether by insurance or otherwise, to save the Corporation harmless from any legal liability arising from the use of said buildings. It is further agreed that a copy of such policy of insurance and renewals shall be deposited with the Clerk of the Corporation.
- (d) The Party of the First Part agrees to prefer in its employment residents of the Township of Stamford, all other qualifications being equal.
- (e) The Party of the First Part agrees that the building or buildings shall be at reasonable times open to inspection by the Welland and District Health Unit, and by an official of Council, by resolution duly authorized.
- (f) The Party of the First Part shall have the right to sublet or assign only after the said lease has been offered to the Corporation of the Township of Stamford at the same consideration receivable from any other party, and with the consent in writing of the Corporation.
- (g) The Corporation consents to the use of its street or streets for the erection of a sign or signs to be approved by the Engineer of the Corporation where the same may be required for directional use.
- (h) The Party of the First Part agrees to and with the Corporation to pay in advance all estimated fees and disbursements to be incurred by the Corporation in the application by the Corporation for a Private Act of the Legislative Assembly of the Province of Ontario to validate this agreement. The said fees and disbursements are estimated at \$600.00, and the Corporation agrees to refund to the Party of the First Part any unexpended balance.

2. The Parties hereto further agree in the event the Party of the First Part has not commenced construction on or before the expiry period of one year from the date of the execution of the lease, and has not completed construction within a further 18-month period that, without further notice by the Corporation to the Party of the First Part, the said lease shall be deemed forfeit, null and void and of no effect whatsoever between the Parties.

3. In the event that the Party of the First Part should disband as a youth service organization, or surrender its Letters Patent, or fail to operate the said buildings in accord with both the letter and spirit of this agreement, then the term of the lease shall be immediately forfeit and the buildings and fixtures shall thereupon revert to and vest in the Corporation.

4. Breach of any of the conditions and terms herein contained shall render this agreement null and void and of no further effect whatsoever, and buildings and their fixtures shall forthwith revert to and vest in the Corporation.

5. The Parties hereto agree that at the termination of the lease whether by effluxion of time, by forfeiture, by surrender or otherwise, all of the proposed buildings and all fixtures used in connection therewith shall revert to and form part of the property of the Municipal Corporation of the Township of Stamford, without additional compensation to the Party of the First Part.

IN WITNESS WHEREOF the Parties hereto have affixed their Corporate Seals and the hands of their proper signing officers on their behalf.

THE OPTIMIST CLUB OF NIAGARA FALLS:

By R. S. GRIFFIN,  
*President.*

and WM. D. FRASER,  
*Secretary.*

THE CORPORATION OF THE TOWNSHIP  
OF STAMFORD:

By E. E. MITCHELSON,  
*Reeve.*

and A. C. HIGGINS,  
*Clerk.*

## CHAPTER 136

## An Act respecting the City of Toronto

*Assented to March 26th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Toronto, Preamble  
 herein called the Corporation, by its petition has prayed  
 for special legislation in respect of the matters hereinafter set  
 forth; and whereas it is expedient to grant the prayer of the  
 petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.** The lease dated the 10th day of November, 1958, Lease re  
Forest  
(Public)  
School,  
confirm-  
ation of  
 between the Corporation and The Board of Education for  
 the City of Toronto, set forth as the Schedule hereto, is  
 hereby confirmed and declared to be legal, valid and binding  
 upon the parties thereto and the parties are hereby empowered  
 to carry out their respective obligations and exercise their  
 respective privileges thereunder.

**2.** The Corporation is authorized to pay an allowance Retirement  
allowance  
to Edward  
Armour  
authorized  
 upon retirement of \$1,450 annually for life to Edward Armour,  
 clerical assistant to the Chief Coroner of Metropolitan Toronto  
 and Supervising Coroner for the Province of Ontario, and is  
 further authorized to enter into an agreement with Her  
 Majesty the Queen in right of the Province of Ontario, repre-  
 sented by the Attorney-General, for sharing in the payment  
 of the allowance.

**3.** By-law No. 19466, passed by the council of the Cor- By-law  
No. 19466  
validated  
 poration on the 21st day of June, 1955, to amend By-law  
 No. 13273 of the Corporation respecting the Toronto Police  
 Benefit Fund, is hereby declared to have been legally and  
 validly passed by the council and to be legal, valid and  
 binding from the date of the passing thereof.

**4.** By-law No. 19183, to amend By-law No. 10649 of the By-laws  
Nos. 19183  
and 19184  
validated  
 Corporation respecting the Toronto Fire Department Super-  
 annuation and Benefit Fund, and By-law No. 19184, to  
 authorize an agreement between the Corporation and The

Firemen's



Firemen's Benefit Fund Committee by which the Corporation agreed to contribute annual amounts until the year 1984 to maintain the Fund on a sound actuarial basis, both passed by the council of the Corporation on the 14th day of June, 1954, are hereby declared to have been legally and validly passed by the council and to be legal, valid and binding from the date of the passing thereof.

Authority  
to apply  
funds  
realized  
from  
capital  
assets to  
capital  
works

**5.** The Corporation may reserve any or all moneys realized by it from the sale of land, buildings or other permanent assets of the Corporation and may apply such money for any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which could be raised in a subsequent year or provided by the issue of debentures, and shall not use such money for any other purpose without the approval of the Minister of Municipal Affairs.

Letting  
concessions  
in public  
parks and  
on beaches  
authorized

**6.** The Corporation is authorized to enter into agreements to let, for any period not exceeding ten years, the right to rent, erect or use beach umbrellas, wind-breaks, chairs, seats, beach equipment, canoes, boats, floats, souvenirs, amusement devices and other concessions within any public park or on any beach or water front under the jurisdiction of the Corporation on such terms and conditions as the council of the Corporation may prescribe.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The City of Toronto Act, 1959*.



## SCHEDULE

THIS INDENTURE made in quadruplicate this 10th day of November, one thousand nine hundred and fifty-eight.

IN PURSUANCE OF *The Short Forms of Leases Act*,

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO,  
hereinafter called "the Lessor",

OF THE FIRST PART,

—and—

THE BOARD OF EDUCATION FOR THE CITY OF TORONTO,  
hereinafter called "the Lessee",

OF THE SECOND PART.

WHEREAS the Lessor is the owner of the lands and premises hereinafter described, including the building erected thereon;

AND WHEREAS as appears by Report No. 19 of the Committee on Parks and Exhibitions of the Lessor as adopted in its Council on the 10th day of November, 1958, it is recommended that the said lands and premises be demised and leased unto the Lessee for the purpose of a Forest (Public) School for the term, at the rent and upon the terms and conditions, all as in the said Report and hereinafter set forth.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the Lessee, the Lessor doth demise and lease unto the Lessee ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of part of Township Lot No. 36, in the First Concession from the Bay in the Original Township of York, but now in the said City of Toronto, the boundaries of the said parcel being described as follows:

Premising that the northerly limit of the said Township Lot No. 36 hereinafter referred to is on a course of North seventy-three degrees and fifteen minutes East (N. 73° 15' E.) and governs all bearings herein, then:

COMMENCING at a point distant five hundred feet eight and three quarter inches (500' 8¾") south of the said northerly limit of Lot No. 36 measured along a line drawn on a course of South sixteen degrees and forty-five minutes East (S. 16° 45' E.) from a point in the said northerly limit of lot distant sixteen feet three and three quarter inches (16' 3¾") measured easterly thereon from the northwesterly angle of the said lot;

Thence South twenty degrees and twenty-eight minutes East (S. 20° 28' E.) four hundred and eighty-two feet and eight inches (482' 8");

Thence North eighty-three degrees and three minutes East (N. 83° 03' E.) three hundred and ninety-seven feet two and one half inches (397' 2½");

Thence North six degrees and fifty-seven minutes West (N. 6° 57' W.) two hundred and eighteen feet ten and one half inches (218' 10½");

Thence North sixty-three degrees and forty-two minutes West (N. 63° 42' W.) one hundred and forty-two feet and nine inches (142' 9");

Thence North sixty-eight degrees and fifty-three minutes West (N. 68° 53' W.) two hundred and sixty-two feet and seven inches (262' 7");

Thence

Thence North seventy-nine degrees and fifty-six minutes West (N.  $79^{\circ} 56'$  W.) one hundred and sixty-six feet and four inches ( $166' 4''$ ) more or less to the point of commencement, which said parcel is outlined in red on the Print of Plan dated December 16, 1957, annexed hereto and forming a part hereof, prepared by the Director, Surveying Division, Department of Public Works, of the Lessor.

Reserving unto the Lessor, its successors and assigns, the right, license or easement or right in the nature of an easement to use, maintain, repair, replace and/or reconstruct the sewer or any part thereof, located in, across and through that part of the hereinbefore described parcel of land more particularly hereinafter described, and from time to time and at all times hereafter with the servants, agents, workmen and contractors of the Lessor or any of them, and all plant, machinery, vehicles, tools and material as may be necessary, to enter into and upon the said hereinafter described lands or any part thereof, for the purpose of opening, inspecting and/or altering the said sewer or any part thereof, and/or for any other lawful purpose that may be necessary for the full enjoyment and exercise of the easement rights hereby reserved. The land affected by this reservation of easement is a strip of land ten feet ( $10' 0''$ ) in perpendicular width lying five feet ( $5' 0''$ ) on either side of the centre line described as follows:

Beginning at a point in the southerly limit of the hereinbefore described parcel of land distant one hundred and fifty-three feet one and one quarter inches ( $153' 1\frac{1}{4}''$ ) measured on a course of North eighty-three degrees and three minutes East (N.  $83^{\circ} 03'$  E.) from the south-westerly angle thereof;

Thence North forty-eight degrees and thirty-eight minutes East (N.  $48^{\circ} 38'$  E.) two hundred and sixty-five feet and five inches ( $265' 5''$ );

Thence on a course of about North twenty-five degrees and forty-four minutes East (N.  $25^{\circ} 44'$  E.) a distance of forty-six feet and seven inches ( $46' 7''$ ) more or less to a point in the easterly limit of the said hereinbefore described parcel distant twenty-nine feet seven and three quarter inches ( $29' 7\frac{3}{4}''$ ) measured on a course of South six degrees and fifty-seven minutes East (S.  $6^{\circ} 57'$  E.) from the northeasterly angle thereof, which said strip of land is hereinafter called "the Easement Land" and is outlined in green on the said hereinbefore mentioned Print of Plan dated December 16, 1957.

TO HAVE AND TO HOLD the said demised premises for and during the term of five years from the 1st day of December, 1957, and from thenceforth next ensuing and fully to be complete and ended, for the purpose of a Forest (Public) School and for no other purpose whatsoever.

YIELDING AND PAYING THEREFOR yearly and every year during the term hereby demised the sum of One Dollar (\$1.00) payable in advance to the City Treasurer of the Lessor at his office in the City Hall, Toronto, on the first day of the month of December in each and every year during the term hereby demised, the first of such payments to become due and be paid on the execution hereof.

#### THE LESSEE COVENANTS WITH THE LESSOR as follows:

1. To pay rent and to pay taxes, including taxes for local improvements, and all the rates, whether municipal or parliamentary, assessed against the premises hereby demised provided that when and so often as the Lessee shall neglect or omit to pay any such taxes, rates, local improvement rates or other assessments, the Lessor may pay the same and may thereupon charge them to the Lessee who hereby covenants to pay the same forthwith, and agrees with the Lessor that the Lessor shall have and enjoy the same remedies and may take the same steps for recovery thereof as the Lessor would and could have and take for the recovery of rent in arrears.

2. To repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted, to the satisfaction of the Commissioner of Parks and Recreation of the Lessor.

3. That the Lessor may enter and view state of repair; and the Lessee will repair according to notice in writing, reasonable wear and tear and damage by fire, lightning and tempest only excepted, to the satisfaction of the Commissioner of Parks and Recreation of the Lessor.

4. The Lessee will not assign or sub-let without leave provided that such consent may, notwithstanding any statutory provisions to the contrary, be arbitrarily refused by the Lessor in its sole and uncontrolled discretion.

5. That the Lessee will leave the premises in good repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted.

6. That the Lessee will pay all hydro-electric charges, gas and water rates assessed or chargeable upon or in respect to the premises hereby demised and shall be responsible for providing the necessary janitorial services for the said demised premises.

7. That the Lessee shall be responsible for heating the premises hereby demised entirely at the expense of the Lessee.

8. That the Lessee will at all times during the said term keep the premises hereby demised in a clean, orderly, and sanitary and attractive condition that is satisfactory to the Commissioner of Parks and Recreation and the Medical Officer of Health of the Lessor.

9. That the Lessee will not,

(a) permit or allow any boisterous, unseemly or unlawful conduct in or upon the said demised premises; and

(b) make or do or permit or allow to be made or done anything, in or upon the said demised premises, which should be deemed a nuisance or which shall be offensive or shall be annoying to the Lessor or to the users or occupiers of private properties in the vicinity of the said demised premises.

10. No intoxicating, alcoholic or fermented ale, wine, liquor or spirits shall be sold, dispensed or with the knowledge of the Lessee consumed in or on the premises hereby demised and if any such ale, wine, liquor or spirits are so consumed, sold or dispensed in or on the said demised premises this lease may at the option of the Lessor be terminated forthwith by the Lessor and the Lessee may thereupon be removed from possession without any notice, and shall not be entitled to any compensation by reason of such termination or otherwise howsoever.

10a. That the Lessee will not prune, remove, or in any way damage or destroy, or permit or allow to be pruned, removed, or in any way damaged or destroyed any trees located on the land hereby demised without the consent of the said Commissioner of Parks and Recreation of the Lessor first had and obtained.

11. That the Lessee will not use or occupy the said land hereby demised or permit or allow the said demised land to be used or occupied for any purpose whatsoever other than the purpose of a Forest (Public) School; and it is hereby mutually understood and agreed by and between the Lessor and the Lessee that in the event that any at time the premises hereby demised are not used or occupied by the Lessee for the purpose of a Forest (Public) School for the period of one year and the Lessor gives the Lessee thirty days notice in writing of its intention to terminate this lease, or in the event that at any time during the said term the said demised premises are used in contravention of this covenant and agreement and such contravention continues for thirty days after the receipt by the Lessee of notice in writing from the Lessor or the Commissioner of Parks and Recreation of the Lessor setting out the particulars of such contravention, the Lessor in any such case shall have the right to forthwith terminate this lease and thereupon all the rights of the Lessee hereunder shall immediately cease, determine and be at an end and the Lessor may re-enter and take possession of the said demised premises without pro-



cess of law, and without being liable for payment to the Lessee of any compensation or other monies whatsoever by reason of such termination or otherwise howsoever.

12. That the Lessee will not erect, place or demolish or permit or allow to be erected, placed or demolished on the land hereby demised any building or other structure or erection of any kind whatsoever or any part thereof or make or suffer to be made any extensions, additions, alterations or improvements whatsoever to the said demised premises without the approval of the Commissioner of Parks and Recreation of the Lessor and a permit therefor from the Commissioner of Buildings of the Lessor, first had and obtained provided that this covenant shall not apply to the removal from the said demised premises of platforms placed thereon by the Lessee for school class purposes.

13. That the Lessee shall at all times fully observe and comply with and endeavour to ensure strict observance of and compliance with all statutory requirements, regulations, rules and/or by-laws of every municipal or other authority which in any manner affect or relate to the premises hereby demised and/or the use of the demised premises or any part thereof by the Lessee hereunder.

14. That the Lessee from time to time and at all times during the term of this lease, shall at the cost, charge and expense of the Lessee obtain all permits and licenses required by and incident to the use and occupation of the premises hereby demised by the Lessee or any other person.

15. That the Lessee will not put up or exhibit, or permit or allow to be put up or exhibited upon any part of the premises hereby demised, any sign, notice, notice-board, painting, design or other device advertising any business, undertaking or scheme, or any other sign or advertisement that may be objectionable to the Commissioner of Parks and Recreation of the Lessor without the consent in writing of such Commissioner or of some other officer of the Lessor authorized to give such consent, first had and obtained.

16. That the Lessee shall indemnify and keep indemnified the Lessor against all loss, cost, damage or expense arising out of or in any way incidental to the leasing by the Lessor to the Lessee of the premises hereby demised and/or the use and occupation of the said demised premises by the Lessee and its servants, employees, contractors, licensees and invitees or any of them under the provisions of this Indenture of Lease or otherwise howsoever.

17. That the Lessee will not place or erect or cause or permit to be placed or erected over or upon the Easement Land herein any building or permanent structure of any kind, and the Lessee will not injure, endanger or interfere with the sewer located in the said Easement Land.

18. That the Lessee will at the expense of the Lessee, deposit and keep deposited with the City Treasurer of the Lessor during the whole of the said term, a policy or policies of insurance insuring against damage or destruction by fire or any peril listed in the standard broad coverage fire insurance endorsement, the building forming a part of the said demised premises at the date hereof, with a Company and limits and in a form that are satisfactory to the said City Treasurer, and with loss thereunder payable to the Lessor, and in the event of damage to or the destruction of the said building or any part thereof as aforesaid, the Lessor shall apply the proceeds of insurance covering such damage or destruction to restore, replace or repair the said building or part thereof, as the case may be, provided, however, if such damage or destruction is sufficient to render the said building untenable, the Lessor shall have the right within fifteen days after the occurrence of the said damage or destruction to forthwith terminate this lease and thereupon all the rights of the Lessee hereunder shall immediately cease, determine and be at an end and the Lessor may re-enter and take possession of the said demised premises without process of law, and without being liable for payment to the Lessee of any compensation or other monies whatsoever by reason of such termination or otherwise howsoever.

PROVISO for re-entry by the Lessor on non-payment of rent or non-performance of covenants.

THE LESSOR COVENANTS WITH THE LESSEE as follows:

1. For quiet enjoyment.
2. That if, at the expiration of the term hereby granted or of any future term of five years, the Lessee shall be desirous of taking a renewal lease of the premises hereby demised for a further term of five years, the Lessee then conforming to all the terms and conditions herein mentioned and set forth, the Lessor will at the cost and charges of the Lessee, grant except as is herein otherwise provided, such renewal lease for the further term of five years from the expiration of the present or existing lease, at the same rent as is provided hereunder.

IT IS HEREBY DECLARED AND AGREED by and between the parties hereto as follows:

1. That in the event of the Lessor or The Municipality of Metropolitan Toronto requiring possession of the premises hereby demised at any time for a municipal purpose or purposes, the Lessor shall have the right to terminate this lease upon giving to the Lessee at any time one years notice in writing of the intention of the Lessor to terminate the said lease and such notice having been given, the said lease shall terminate exactly one year after the receipt of such notice by the Lessee and the Lessee shall not be entitled to receive from the Lessor any compensation or other monies whatsoever by reason of such termination or otherwise howsoever.
2. That the renewal lease (if any) to be given at the expiration of the term hereby granted shall contain covenants, provisos and agreements similar to those contained in these presents.
3. That the covenants hereinbefore set forth to repair, to repair according to notice in writing and to leave in good repair shall apply to all buildings, structures and erections of any kind erected or placed on the land hereby demised by the Lessee as well as to those (if any), placed thereon by the Lessor.
4. That the building located on the land hereby demised at the date hereof, and any extensions, additions, alterations, and improvements thereto that may be erected or made from time to time, and any other permanent structure or erection that may be placed or erected on the said demised land, shall for all purposes be the sole property of the Lessor.
5. That any notice that the Lessor may be required to give to the Lessee under the provisions of this lease shall for all purposes be deemed to have been sufficiently and properly given if forwarded by registered mail and addressed to the Lessee at 155 College Street, Toronto, and shall irrebuttably be presumed to have been received by the Lessee on the third day following such registration.
6. The Commissioner of Parks and Recreation of the Lessor or his duly authorized representative, shall have the right to enter in or upon the said demised premises or any part thereof, at any time during the said term.
7. That the Lessor shall at the sole expense of the Board take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation validating and confirming this lease, and in the event that an application by the Lessor for such legislation is refused, the Lessor shall have the right to terminate this lease upon giving to the Lessee at any time thirty days notice in writing of the intention of the Lessor to terminate the said lease, and such notice having been given, this lease will terminate exactly thirty days after the receipt of such notice by the Lessee and the Lessee shall not be entitled to receive from the Lessor any compensation or other monies by reason of such termination or otherwise howsoever.

8. That the Lessee will not under any circumstances be entitled to receive from the Lessor any compensation whatsoever for the building forming part of the said demised premises or for or by reason of any extensions, additions, alterations and/or improvements now made or hereafter to be made to the said demised premises or any part thereof.

9. That every covenant, proviso and agreement herein contained shall enure to the benefit of and be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF the Lessor and the Lessee have hereunto affixed their respective corporate seals attested to by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

(Seal)

The City of Toronto

(Seal)

The Board of Education,  
Toronto

THE CORPORATION OF THE CITY OF  
TORONTO:

NATHAN PHILLIPS,  
*Mayor.*

W. M. CAMPBELL,  
*Deputy Treasurer.*

THE BOARD OF EDUCATION FOR THE  
CITY OF TORONTO:

T. A. WARDLE,  
*(for) Chairman.*

Z. PHIMISTER,  
*Director of Education.*

Approved as to form:

D. HILLIS OSBORNE,  
*Solicitor*

Plan shewing part of High Park leased to Board of Education, attached.



## CHAPTER 137

## An Act respecting the Township of Toronto

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Township of Toronto Preamble  
by its petition has represented that sewage works in the Township of Toronto have been constructed under the appropriate legislative provisions, that either areas have been created providing that the costs thereof, including maintenance and management costs, shall be assessed and levied on the rateable property in the respective areas or a sewer rate has been provided to be imposed upon the owners deriving a benefit from such sewage works, that all areas of the Township benefit by the fact that the sewage works are constructed, and that it is desirable to provide that the capital cost of all works be paid for by all ratepayers of the Township as a whole and to provide for the continuation of areas and the creation of future areas for the assessment and levying of the cost of maintenance, operation and management thereof; and whereas the petitioner has prayed for special legislation in connection therewith; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "sewage works" means any public works for the treatment or disposal of sewage, including the sites for the erection of such works, the outfall pipes to carry the effluent from such works, the inlet pipes located on such sites, and major trunk sanitary sewer mains designed to serve areas of 1,000 acres or more, and pumping stations used in connection therewith;
- (b) "capital cost" means the cost of constructing sewage works inclusive of all items of cost usually and properly chargeable to capital account.

**2.** Notwithstanding any Act or by-law to the contrary, all outstanding capital costs and capital charges under agree-

Capital  
cost of  
existing  
sewage  
works

ments

ments with the Ontario Water Resources Commission of sewage works of the Township of Toronto existing on the 1st day of January, 1959, shall be assessed and levied on all the rateable property in the Township.

Area rates  
prohibited  
for capital

3. Notwithstanding any Act or by-law to the contrary, no rate shall be levied upon any area or areas of the Township of Toronto separate from the levy provided for in section 2 with respect to outstanding capital costs of sewage works of the Township existing on the 1st day of January, 1959.

Use of  
moneys  
raised in  
any area  
for capital  
cost of  
existing  
sewage  
works

4. All moneys now in the possession of the Township of Toronto derived from a levy or rate applicable to the capital cost of sewage works in any area of the Township shall be used for the payment of any part of the outstanding capital cost of any sewage works existing on the 1st day of January, 1959, and the balance not so required shall be applied and used only for future capital improvements of sewage works of the Township.

Operation  
costs  
under  
existing  
by-laws

5. The maintenance, operation and management costs of sewage works constructed under any by-law existing on the 1st day of January, 1959, where applicable, shall continue to be assessed and levied or charged on the rateable property in the areas as defined in such by-laws and in the manner set out in such by-laws.

Sewage  
service  
rate

R.S.O. 1950,  
c. 243

6. The council of The Corporation of the Township of Toronto may by by-law provide that any sewage service rate that has been or may be imposed under subsection 14 of section 389 of *The Municipal Act* may be imposed upon owners or occupants of land who use sewage works, which rate may be different in different areas, but such rate shall not include any charge towards the capital cost of sewage works.

Future  
sewage  
works

R.S.O. 1950,  
c. 215  
1957, c. 88

7. Notwithstanding section 64 of *The Local Improvement Act* or *The Ontario Water Resources Commission Act, 1957*, the council of The Corporation of the Township of Toronto may by by-law undertake the construction of sewage works in accordance with *The Local Improvement Act* or enter into agreements with the Ontario Water Resources Commission, and provide therein that the capital costs of such sewage works shall be assessed and levied on all the rateable property in the Township and the cost of maintenance, operation and management of such sewage works shall be assessed and levied on the rateable property in any defined area in the Township.

Commence-  
ment

8. This Act shall be deemed to have come into force on the 1st day of January, 1959.

Short title

9. This Act may be cited as *The Township of Toronto Act, 1959*.

## CHAPTER 138

## An Act respecting Université d'Ottawa

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS Université d'Ottawa, herein called the Preamble University, by its petition has represented that it was incorporated by *An Act to incorporate The College of Bytown*, being chapter 107 of the Provincial Statutes of Canada, 1849, that its powers were extended and amended and its name changed by subsequent enactments, that its present powers and name were granted by *The University of 1933, c. 106* *Ottawa Act, 1933*, as amended by *The University of Ottawa 1941, c. 83* *Amendment Act, 1941*, and that the purposes of the University would be further promoted if the directors of the University were granted the power to expropriate certain lands and to hold the lands so expropriated; and whereas the petitioner has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Université d'Ottawa, also known as The University of Power of expropriation Ottawa, shall have the power to enter upon, take, use and expropriate the interest of the owner or of any other person, other than a municipal corporation, without the consent of such owner or other person, in any and all of the lands and premises described in Schedule A hereto as the University may deem advisable for the use of or for the future use and expansion of the University, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall, *mutatis mutandis*, apply to the University and to the exercise by it of the powers conferred by this section, and, where any act is by any of such provisions required to be done by the council of a municipality, the like act shall be done by the council of administration of the University and, where any act is by any such

R.S.O. 1950,  
c. 243

provisions

provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the Treasurer of the University or by or at the office of such officer of the University exercising the office of treasurer, as the case may be.

Power of  
expro-  
priation  
limited

**2.** Notwithstanding section 1, the power to expropriate lands under this Act shall apply only for a period of five years from the date this Act comes into force with respect to the lands mentioned in Schedule B hereto.

Water and  
sewer  
service  
rates

**3.** Notwithstanding any special Act, the University of Ottawa shall be liable for water service rates and sewer service rates imposed by the City of Ottawa.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The University of Ottawa Act, 1959*.

## SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of lands and premises situate, lying and being in the City of Ottawa, in the County of Carleton and Province of Ontario, and being composed of:

### STEWART STREET

Lot 3 and the west half of Lot 4 on the south side of Stewart Street, Registered Plan No. 6.

### WILBROD STREET

Lot 2 on the north side of Wilbrod Street, Registered Plan No. 6.

### LAURIER AVENUE

Lot "A" on the south side of Laurier Avenue, Registered Plan No. 4323. The easterly 50 feet of Lot "C" on the south side of Laurier Avenue, Registered Plan No. 25270. Lots 1 and 2 on the south side of Laurier Avenue, Registered Plan No. 14141.

### OSGOODE STREET

Lot 1 and the westerly 40 feet and the northerly 30 feet of Lot 2 and the whole of Lots 4, 5, 6 and 7 on the north side of Osgoode Street, Registered Plan No. 15632. Lots 6 and 9 on the south side of Osgoode Street, Registered Plan No. 33841. Street Lot lying between Lots 6 and 7 on the south side of Osgoode Street, Registered Plan No. 33841. Lot 7 on the south side of Osgoode Street, Registered Plan No. 15632. The northerly 45 feet of Lots 9 and 10 on the south side of Osgoode Street, Registered Plan No. 15632. The southerly 50 feet of Lot 11, and the whole of Lots 12, 13, 14, 15, 16, 17 and 18 on the south side of Osgoode Street, Registered Plan No. 25223.

### MACDOUGAL STREET

The westerly 30 feet of Lot 1, and the east half of Lot 2 on the north side of MacDougal Street, Registered Plan No. 40654. Lots 9 and 11 on the south side of MacDougal Street, Registered Plan No. 40654.

### NICHOLAS STREET

The north half of Lot 11 and the whole of Lot 13 on the east side of Nicholas Street, Registered Plan No. 3922. Lots 20 and 21 and the northerly 95 feet of Lot 22 on the east side of Nicholas Street, Registered Plan No. 3350. The easterly 50 feet of Lots 3 and 4 on the east side of Nicholas Street, Registered Plan No. 3613. Part of Lot "E", Concession "D", Rideau Front (Nepean) now in Ottawa and more particularly described as follows:

COMMENCING at a point on the westerly limit of that part of the said Lot described in a Deed of Sale from Mary Ann McGovern to the Artificial Ice Company dated 4th of April, 1913 and registered in the Registry Office as No. 118741, distant 35.7 feet measured southerly and along the said westerly limit from the north west angle thereof; thence south 38 degrees 23 minutes west, and along the north westerly boundary of the lands as present owned by the Ottawa Artificial Ice Company, 273 feet more or less, to a point distant 200 feet from the water's edge of the Rideau Canal; thence in a south easterly direction on a course parallel with the water's edge of the Rideau Canal and following the south westerly boundary of the lands of the said Ottawa Artificial Ice Company, 113 feet more or less, to the south easterly boundary of the lands of the said Ottawa Artificial Ice Company; thence easterly and following the south easterly boundary of the said lands, 253 feet 3 inches more or less, to the southerly boundary of the said lands; thence easterly and following the southerly



boundary of the lands of the said Ottawa Artificial Ice Company, to the easterly boundary of the said lands; thence northerly and following the easterly boundary of the said lands, 100 feet to the northerly boundary of the said lands; thence westerly and following the northerly boundary of the said lands, 100 feet to the westerly boundary thereof; thence southerly and following the westerly boundary of the said lands, 35.7 feet to the point of commencement.

#### WALLER STREET

Lot "C", the westerly 30 feet of Lot "D" and the whole of Lot "E" on the west side of Waller Street, Registered Plan No. 4323.

#### HASTEY AVENUE

Lot 5 and the north halves of Lots 6 and 8 on the west side of Haste Avenue, Registered Plan No. 25270. Lots 7, 8 and 9 on the east side of Haste Avenue, Registered Plan No. 25270.

#### CUMBERLAND STREET

The south half of Lot 6 and the whole of Lots 7, 8 and 9 on the west side of Cumberland Street, Registered Plan No. 25270. The easterly 63 feet of Lots 1 and 2 on the west side of Cumberland Street, Registered Plan No. 33841. Lots 15, 16, 18, 20 and 21 on the west side of Cumberland Street, Registered Plan No. 40654. Lot 11 and the south half of Lot 12; Lot 13 and the north half of Lot 14; the south half of Lot 15; the northerly 50 feet of Lot 16 and the whole of Lots 17 and 18 on the east side of Cumberland Street, Registered Plan No. 15632.

#### COLLEGE AVENUE

Lot 1; the north half of Lot 2; the south half of Lot 3 and the whole of Lots 4, 5, 6 and 7 on the west side of College Avenue, Registered Plan No. 14141. Lots 11 and 12; the south half of Lot 13; Lots 14 and 15; the north half of Lot 16, and the south half of Lot 17 on the west side of College Avenue, Registered Plan No. 15632. Lots 1, 5, 8 and 9 and the northerly 15 feet of Lot 10 on the east side of College Avenue, Registered Plan No. 14141. The north halves of Lots 12 and 13 and the whole of Lots 14, 15, 16, 17, 18, 19 and 20 on the east side of College Avenue, Registered Plan No. 25223.

#### KING EDWARD STREET

Lots 1, 2, 3 and 4; the north half of Lot 5; the south half of Lot 6; the south half of Lot 7, and the whole of Lots 8, 9 and 11 on the west side of King Edward Avenue, Registered Plan No. 15632. Lot 12; the south half of Lot 13 and Lots 15, 17 and 19 on the west side of King Edward Avenue, Registered Plan No. 25223.

SAVE AND EXCEPT thereout and therefrom any interest in any portion of the above-mentioned lands which might be vested in the Crown or in any Corporation representing or acting on behalf of the Crown, in the Corporation of the City of Ottawa, in the Ottawa Public School Board, or in the Ottawa Separate School Board, and SAVE AND EXCEPT any present church properties.



## SCHEDULE B

ALL AND SINGULAR those certain parcels or tracts of lands and premises situate, lying and being in the City of Ottawa, in the County of Carleton and Province of Ontario, and being composed of:

1. Lots 7, 8, 9 and 10 on the south side of Osgoode Street, Lots 11, 12, 13, 14, 15, 16, 17 and 18 on the west side of College Avenue, and Lots 11, 12, 13, 14, 15, 16, 17 and 18 on the east side of Cumberland Street, all as shown on Registered Plan No. 15632; also Lots 11, 12, 13 and 14 on the south side of Osgoode Street, Lots 12, 13, 14, 15, 16, 17, 18, 19 and 20 on the west side of King Edward Avenue, and Lots 12, 13, 14, 15, 16, 17, 18, 19 and 20 on the east side of College Avenue, all as shown on Registered Plan No. 25223.

2. Part of Lot "E", Concession "D", Rideau Front (Nepean) now in Ottawa and more particularly described as follows:

COMMENCING at a point on the westerly limit of that part of the said Lot described in a Deed of Sale from Mary Ann McGovern to the Artificial Ice Company dated 4th of April, 1913 and registered in the Registry Office as No. 118741, distant 35.7 feet measured southerly and along the said westerly limit from the north west angle thereof; thence south 38 degrees 23 minutes west, and along the north westerly boundary of the lands as present owned by the Ottawa Artificial Ice Company, 273 feet more or less, to a point distant 200 feet from the water's edge of the Rideau Canal; thence in a south easterly direction on a course parallel with the water's edge of the Rideau Canal and following the south westerly boundary of the lands of the said Ottawa Artificial Ice Company, 113 feet more or less, to the south easterly boundary of the lands of the said Ottawa Artificial Ice Company; thence easterly and following the south easterly boundary of the said lands, 253 feet 3 inches more or less, to the southerly boundary of the said lands; thence easterly and following the southerly boundary of the lands of the said Ottawa Artificial Ice Company, to the easterly boundary of the said lands; thence northerly and following the easterly boundary of the said lands, 100 feet to the northerly boundary of the said lands; thence westerly and following the northerly boundary of the said lands, 100 feet to the westerly boundary thereof; thence southerly and following the westerly boundary of the said lands, 35.7 feet to the point of commencement.



## CHAPTER 139

## An Act respecting St. Jerome's College

*Assented to March 5th, 1959*  
*Session Prorogued March 26th, 1959*

**W**HEREAS St. Jerome's College by its petition has Preamble represented that it was incorporated by *An Act to incorporate the College of Saint Jerome, in the Town of Berlin*, being chapter 134 of the Statutes of the Province of Canada, 1866, that it received its present name by *An Act respecting the Corporation of the College of St. Jerome, Berlin*, being chapter 133 of the Statutes of Ontario, 1903, and that it received its present powers by *The St. Jerome's College Act*, 1947, c. 137 1947; and whereas the petitioner has prayed for special legislation changing its name and providing for modification of its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "Board" means the Board of Governors of the University;
- (b) "Chancellor" means Chancellor of the University;
- (c) "Corporation" means the body corporate of the University;
- (d) "graduates" means former students who have obtained a university degree by taking courses at St. Jerome's College or at The University of St. Jerome's College;
- (e) "President" means President of the University;
- (f) "property" includes all property, both real and personal;

(g)

- (g) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (h) "Senate" means the Senate of the University;
- (i) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;
- (j) "University" means The University of St. Jerome's College.

Corporation  
continued

**2.** The Corporation of St. Jerome's College is hereby continued as a body corporate with perpetual succession hereafter to be called and known as The University of St. Jerome's College, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed.

Powers  
of  
University

**3.** The University shall have university powers, including,

- (a) the power to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as may be determined by the Board;
- (b) the power to confer university degrees and honorary degrees and awards in any and all branches of learning;
- (c) the power to federate or affiliate with or take into affiliation other universities, colleges and institutions of learning.

Suspension  
of degree-  
granting  
powers

**4.** The power and authority of the University to confer degrees shall be suspended and in abeyance, except as related to degrees in theology, so long as the University remains affiliated or federated with any other university, but may be resumed by the University if it ceases to be affiliated or federated with another university.

Property

R.S.O. 1950,  
c. 184

**5.** The University shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy

any

any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property, in addition thereto or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

6. All property hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the University. <sup>Trust property vested in University</sup>

7. Property vested in the University shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any other person possessing the right to take land compulsorily for any purpose, and no power to expropriate real property hereafter conferred on any corporation, except a municipal corporation, or upon any other person shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. <sup>Property not liable to expropriation</sup>

8. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. <sup>Application of statutes of limitations</sup>

9. The property, and the income, revenues, issues and profits of all property, of the University shall be applied solely to achieving the objects and purposes of the University. <sup>Application of property to objects</sup>

10. The funds of the University not immediately required for its purposes, and the proceeds of all property which comes to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and reinvested in such investments as the Board shall deem meet. <sup>Investment of funds</sup>

11. The University, if authorized by by-law of the Board, may, <sup>Borrowing powers</sup>

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of its property to secure any money so borrowed

or



or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations; provided that no expenditure shall be made or liability incurred which has the effect of involving or impairing any endowment of the University.

Board of  
Governors

**12.** The government, conduct, management and control of the University, and of its work, affairs and business, and all other matters shall be vested in the Board of Governors which shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University.

Composition

**13.** The Board shall be composed of the President, the President of the Congregation of the Resurrection in Ontario, the Superior of the Congregation of the Resurrection at the University and his Councillors, the Superior of the Congregation of the Resurrection at the secondary school department of the University and his Councillors, all *ex officio*, and three other members of the Congregation of the Resurrection who shall be elected by the Board for terms of three years and who shall be eligible for re-election on the expiration of their terms, and such other persons and officers and for such terms and purposes as the Board may by by-law prescribe.

Powers of  
Board

**14.—(1)** The Board shall have power,

- (a) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the University, its buildings and facilities and to repeal or vary the same;
- (b) to appoint members of the Board, other than *ex officio* members, and deans of faculties and members of the teaching staff and all other officers, employees and servants of the University and to make regulations with respect to retirement.

By-laws

(2) By-laws, rules and regulations made by the Board shall not require confirmation by the members of the Corporation.



**15.** Without limiting the general powers conferred upon or vested in the Board, the Board may make by-laws, <sup>Special by-laws</sup>

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, and meetings and attendance at meetings, and fixing the quorum of the Board, term of office, vacancies and removals;
- (c) providing for the appointment of committees by the Board and for conferring authority upon any of such committees to act for the Board with respect to any matter or class or classes of matters;
- (d) providing for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the University as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

**16.—**(1) There shall be a Chancellor of the University <sup>Chancellor</sup> who shall be the Bishop of the Roman Catholic diocese in which the principal establishment of the University is situated.

(2) The Chancellor shall be the titular head of the University <sup>Degrees</sup> and shall confer all degrees.

(3) In the absence of the Chancellor and Vice-Chancellor, <sup>Idem</sup> the Senate shall appoint one of its number to confer degrees.

**17.—**(1) There shall be a President of the University, who <sup>President</sup> shall be a member of the Congregation of the Resurrection, appointed by the president of the Congregation of the Resurrection in Ontario.

(2) The President shall be Vice-Chancellor, chairman of <sup>Idem</sup> the Board and chief executive officer of the University and, in the absence of or vacancy in the office of the Chancellor, shall perform the functions of the Chancellor, and, subject to the will of the Board, the President shall have supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and shall also have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

**18.** The Board may appoint a Vice-President of the University who shall be assistant to the President and, in the absence of or vacancy in the office of President, shall perform the <sup>Vice-President</sup>

functions

functions of the President and who shall have such other powers, rights and duties as shall be assigned to him by the Board.

Senate

**19.**—(1) There shall be a Senate of the University comprised as follows:

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the members of the Board;
- (d) such members of the teaching staff as shall be appointed in accordance with the regulations of the Senate;
- (e) two graduates of the University to be elected every two years by the graduates.

Chairman

(2) The Vice-Chancellor shall be the chairman of the Senate.

Term of  
office of  
Senate

(3) The members of the Senate shall hold office until their successors are appointed or elected, as the case may be.

Powers of  
Senate

**20.** Unless otherwise determined by by-law of the Board, the Senate shall,

- (a) consider and determine all courses of study, including requirements for admission;
- (b) recommend the establishment of additional faculties, schools, departments, chairs, or courses of instruction, in the University;
- (c) receive and consider recommendations respecting academic matters from the faculty boards of the University;
- (d) conduct examinations and appoint examiners;
- (e) grant degrees, honorary degrees and diplomas;
- (f) award scholarships, medals and prizes;
- (g) make rules and regulations respecting the conduct and activities of the students of the University;
- (h) publish the University calendars;

- (i) make such recommendations as may be deemed proper for achieving the objects and purposes of the University;
- (j) make rules and regulations for the conduct of its affairs.

**21.**—(1) Convocation shall consist of the members of the Convocation Board, the members of the Senate, all members of the teaching staff of the University and all graduates of the University.

(2) Convocation shall be convened by the Senate. Convened by Senate

(3) The Chancellor shall preside at Convocation and shall Chancellor to preside confer degrees.

(4) The Vice-Chancellor shall, in the absence of the Vice-Chancellor to preside Chancellor, preside at Convocation and confer degrees.

(5) In the absence of both the Chancellor and the Vice-Chancellor, the Senate shall name a full professor from the Absence of Chancellor and Vice-Chancellor teaching staff to preside at Convocation and confer degrees.

**22.** *The St. Jerome's College Act, 1947* is repealed. 1947, c. 137, repealed

**23.** This Act comes into force on the day it receives Royal Commence- Assent. ment

**24.** This Act may be cited as *The University of St. Jerome's* Short title *College Act, 1959.*



## CHAPTER 140

**An Act respecting  
The University of Waterloo**

*Assented to March 5th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS Waterloo College Associate Faculties by its Preamble petition has represented that it was incorporated under *The Corporations Act, 1953* by letters patent bearing date the 1953, c. 19 4th day of April, 1956, that it was granted certain additional powers by *The Waterloo College Associate Faculties Act, 1958* 1958, c. 164 and that it is affiliated with The University of Western Ontario through Waterloo College; and whereas the petitioner has prayed for special legislation changing its name to "The University of Waterloo" and granting to it university status and further additional powers; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpreta-  
tion

- (a) "affiliated college" means a college affiliated with the University;
- (b) "Board" means The Board of Governors, The University of Waterloo;
- (c) "college" includes a school or other institution of higher learning;
- (d) "federated college" means a university or college federated with the University;
- (e) "property" includes all property, both real and personal;
- (f) "real property" includes messuages, lands, tenements, and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

(g)



(g) "Senate" means the Senate of the University;

(h) "University" means The University of Waterloo.

Corporation  
continued

**2.** The corporation of Waterloo College Associate Faculties is hereby continued as a body corporate with perpetual succession under the name of "The University of Waterloo" and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys and, subject to the provisions of this Act, all by-laws, orders and regulations of the corporation now in force shall continue in force until amended or repealed.

University  
powers re  
faculties,  
degrees

**3.** The University shall have university powers, including,

(a) the power to establish and maintain such faculties, schools, institutes, departments and chairs as determined by the Board, but the curricula of all courses of instruction shall be determined by the Senate; and

(b) the power to confer university degrees, honorary degrees and awards in any and all branches of learning.

University  
non-denom-  
inational

**4.** The University shall be carried on as a Christian school of learning, but its management and control shall be non-denominational and no religious test shall be required of any professor, lecturer, teacher, officer, employee or servant, or of any student, of the University.

Proceedings  
in  
University  
name

**5.** All proceedings by or against the University may be had and taken in the name of "The University of Waterloo".

Property  
R.S.O. 1950,  
c. 184

**6.** The University shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate and property in addition thereto, or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

#### PROPERTY

Trust  
property  
vested in  
University

**7.** All property hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, the University or any faculty, school or department operated by its board of governors or otherwise in connection

therewith



therewith or to any person in trust for, or for the benefit of, Waterloo College Associate Faculties, subject to any trusts affecting the same, shall be vested in the University.

**8.** Real property vested in the University shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Real property vested in University not liable to expropriation

**9.** All the property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Application of statute of limitations

**10.** The property of the University shall be applied solely for the purposes of the University.

Application of property

**11.** The funds of the University not immediately required for its purposes and the proceeds of all property which comes to the hands of the Board, subject to any trusts affecting the same, may be invested and reinvested in such investments as to the Board shall seem meet.

Investment of funds

#### BOARD OF GOVERNORS

**12.** The Board of Governors of the University is hereby constituted a body corporate by the name and style of "The Board of Governors, The University of Waterloo".

Board of Governors

**13.** The Board shall number thirty-six members in all and shall consist of the following:

Constitution of Board

- (a) The President of the University, the Chancellor of the University, the Mayor of the City of Waterloo, the Mayor of the City of Kitchener, and the Warden of Waterloo County, who shall be *ex officio* members with full voting rights.
- (b) The present members of the Board of Waterloo College Associate Faculties.
- (c) Two members appointed by the Lieutenant-Governor in Council.

**14.** Unless their election or appointment shall be otherwise designated, the members of the Board shall hold office as follows:

Term of office

- (a) Of the members mentioned in clause *b* of section 13, namely, the present members of the Board of

Waterloo College Associate Faculties, one-third, to be chosen by the members of the Board, shall hold office for one year after the incorporation of the University, one-third shall hold office for two years, and the remaining one-third shall hold office for three years.

- (b) The members of the Board appointed by the Lieutenant-Governor in Council shall each hold office for three years.
- (c) As the term of any member of the Board expires, such member shall be eligible for re-appointment and, in the case of such re-appointment, shall hold office until such time as his successor is elected or appointed.
- (d) Except as otherwise provided in this Act, all members of the Board shall be elected by the Board.

Eligibility  
of staff, etc.

**15.** Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any federated or affiliated college, or any member of the teaching or administrative staff of the University or of any federated or affiliated college, or any member of the staff, board, senate or governing body of any other degree-granting institution, shall be eligible for appointment or election as a member of the Board.

Membership  
vacated

**16.—(1)** If a member of the Board, during his term of office, accepts or occupies any of the offices or positions mentioned in section 15 or becomes mentally incapacitated or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant.

Absence  
from  
meetings

(2) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of the Board, the Board may by resolution declare his membership vacant.

Idem

(3) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than 25 per cent of the regular meetings of the Board, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant.

Proof

(4) A resolution passed under this section, entered in the minutes of the Board, shall be conclusive evidence of the vacancy declared therein.

**17.** Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. Filling vacancies

**18.**—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman and, in case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman. Chairman and vice-chairman

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman. Absence

**19.** Ten members, not including *ex officio* members, shall constitute a quorum of the Board. Quorum

**20.** Notwithstanding any vacancy, so long as there are at least ten members, not including *ex officio* members, the Board may exercise all or any of its powers. Ten members may exercise powers

**21.** The Board shall have power to make regulations, Regulations

(a) pertaining to the meetings of the Board and its transactions; and

(b) providing for the appointment of committees and for the conferring upon any such committees authority to act for the Board with respect to any matter, but no decision of a committee, which includes in its membership persons who are not members of the Board, shall be valid and effective until approved and ratified by the Board, unless the Board so provides.

**22.**—(1) Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and the affairs thereof shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University and, without limiting the generality of the foregoing, shall have power, Powers of Board

(a) to appoint and remove the President and Vice-President, the heads and associate heads of the

faculties

faculties and colleges other than federated or affiliated colleges of the University, the professors and other members of the teaching staff of the University, and to appoint and remove all other officers, agents and servants of the University;

- (b) to fix the numbers, duties, salaries and other emoluments of all officers, agents and servants of the University;
- (c) to appoint an executive committee and such other committees as it may deem advisable and to delegate to any such committee any of its powers;
- (d) to borrow money for the purposes of the University and to give security therefor on such terms and in such amounts as it may deem advisable;
- (e) to make by-laws and regulations for the conduct of its affairs; and
- (f) to provide for the federation or affiliation with the University of any college of higher learning and, in order to preserve the non-denominational nature of the University, no more than two colleges of the same denominational control shall be affiliated or federated with the University at the same time and no college affiliated or federated with the University shall be affiliated with, or have affiliated with it, any other college, school or institute of higher learning without specific permission in writing by the Board.

Approval re  
federation or  
affiliation

(2) The acceptance of any federated or affiliated college by the University will be subject to the approval of the boards of governors or trustees of the colleges then federated with the University, but such consent shall not be unreasonably withheld.

Power of  
Board to  
change  
committees'  
constitution

**23.** The Board may modify, alter and change the constitution of any body or committee constituted or continued by this Act, except the Senate, and may create such new bodies or committees as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act and may confer upon the bodies or committees constituted or continued by this Act, or any of them, or on any new body or committee hereafter constituted, such powers as the Board may see fit, but nothing herein shall authorize any abridgement or change in the powers conferred on the Senate by this Act.



**24.** Except as otherwise provided in this Act, the action of the Board in any matter with which it may deal shall be by resolution or by by-law as the Board may determine, but it shall not be essential to the validity of any such resolution or by-law that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board.

**25.**—(1) The accounts for the Board shall be audited at least once a year by an auditor or auditors appointed by the Board.

(2) The Board shall make an annual financial report to the Lieutenant-Governor in Council in such form as the Lieutenant-Governor in Council may require.

**26.** If any question arises as to the powers or duties of the President and Vice-Chancellor, Vice-President or of any dean or head of any University academic unit, or of any officer or employee of the University, it shall be settled and determined by the Board, whose decision shall be final.

**27.** All the powers over, in respect of, or in relation to, the University, its properties, employees, personnel and students, which are not by the terms of this Act directed to be exercised by any other body, person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board.

#### SENATE

**28.**—(1) There shall be a Senate of the University composed as follows:

(a) The following shall be *ex officio* members:

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Vice-President of the University,
- (iv) the principal or head of each federated or affiliated college,
- (v) the dean of each faculty or school of the University,
- (vi) the Librarian,
- (vii) the Chairman of the Board,

(viii)

- (viii) the Registrar of the University, who shall be the Secretary of the Senate,
  - (ix) the Director of the University Extension Department.
- (b) The faculties and schools of the University shall have the following representation, and the representatives shall be appointed by their respective faculty councils unless otherwise provided by the Senate:
- (i) the faculty of arts of each federated college, four members,
  - (ii) the engineering faculty, four members,
  - (iii) the science faculty, four members,
  - (iv) any other faculty or school which may hereafter be established within the University which offers courses leading to a degree, two members,
  - (v) the faculty of arts of each affiliated college, two members.
- (c) The principals of six secondary schools, three of whom shall be from schools within the twin cities of Kitchener and Waterloo and elected by the principals of the schools in these cities and the remaining three to be elected by the principals of secondary schools selected by the Senate.
- (d) The alumni of,
- (i) the University, one member for each graduating class, up to a total of six,
  - (ii) each federated college, three members,
  - (iii) each affiliated college, two members.

(2) The Vice-Chancellor of the University shall be the chairman of the Senate and the Vice-President of the University shall be the vice-chairman of the Senate.

Term of  
office

**29.**—(1) The members of the Senate shall hold office for a term of three years and shall be eligible for re-appointment or re-election, as the case may be.



(2) In the case of the first appointments made after the coming into force of this Act and in the case of the first of any new appointments made pursuant to the provisions of this Act, such appointments or election shall be for terms of one, two or three years, so spaced that as nearly as possible one-third come up for re-appointment or re-election each year.

(3) In the case of each group or body having the power to elect or appoint members to the Senate, where the number to be appointed or elected is not three or a multiple of three, the body appointing or electing a member or members of the Senate shall adhere as closely to this system of election or appointment as is possible, having regard to the number to be appointed or elected by each of such bodies.

**30.** Members of the teaching or administrative staff of the University shall not be eligible for election by any of the graduate bodies.

**31.** Members of the teaching or administrative staff of any federated or affiliated college shall not be eligible for election by any of the graduate bodies.

**32.** No person shall be eligible for election or appointment as a member of the Senate who is a member of a governing body or senate or faculty of any degree-granting university, college or institution of higher learning, other than the University and its federated or affiliated colleges.

**33.** If an elected or appointed member of the Senate resigns, becomes mentally incapacitated or otherwise incapable of acting or becomes a member of the teaching or administrative staff of any of the bodies mentioned in section 30 or 31, not being the body he has been appointed to represent, or accepts membership in any of the bodies mentioned in section 32, not being the body which he has been appointed to represent, he shall *ipso facto* vacate his office and a declaration of the existence of any vacancy entered on the minutes of the Senate shall be conclusive evidence thereof.

**34.** Where a vacancy on the Senate occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Disputes  
as to  
elections

**35.** The Senate shall have the sole right to determine any question concerning the election of any elected member of the Senate or the right of any person to sit or be or act as a member of the Senate, and the decision of the Senate in any such matter shall be final.

Powers  
and duties  
of Senate

**36.**—(1) The Senate,

- (a) shall be responsible for the educational policy of the University;
- (b) may make recommendations to the Board relative to the creation of faculties, schools, institutes, departments or chairs within the University;
- (c) may recommend to the Board the establishment of courses of instruction, including extension courses on the University campus and elsewhere;
- (d) may confer degrees, diplomas and certificates in any subject taught in the University or its federated or affiliated colleges;
- (e) may confer honorary degrees in any department of learning;
- (f) may create faculty councils or committees and committees generally to exercise its powers; and
- (g) may enact statutes in regulating the matters in this section referred to.

Honorary  
divinity  
degrees

(2) The Senate may confer honorary degrees in divinity without fees upon the recommendation of any theological college federated or affiliated with the University.

Qualifica-  
tions concern  
of Senate

(3) The qualifications of faculty members within the University and its federated or affiliated colleges shall be a concern of the Senate.

Additional  
powers and  
duties of  
Senate

**37.**—(1) In addition to such other powers and duties as are expressly mentioned in this Act, the Senate shall,

- (a) provide for the regulation and conduct of its proceedings, including the determination of a quorum necessary for the transaction of business;
- (b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in section 36;

(c)

(c) recommend to the Board,

(i) the federation or affiliation of any college for teaching any branch of learning, provided, however, that, in order to preserve the non-denominational nature of the University, no more than two colleges of the same denominational control shall be federated or affiliated with the University at the same time and no college federated or affiliated with the University shall be affiliated with, or have affiliated with it, any other college, school or institute of higher learning without specific permission in writing by the Board,

(ii) the dissolution or suspension of any such federation or affiliation, or the modification or alteration of the terms thereof;

(d) consider and determine, on the recommendations of the respective faculty and school councils, the courses of study in all faculties and schools;

(e) consider and determine, on the recommendations of the respective faculty and school councils, the conduct and results of examinations in all faculties and schools;

(f) hear and determine appeals from the decisions of the faculty and school councils on applications and examinations by students;

(g) provide for representation on the Senate of the graduates of any other faculty or school hereafter established in the University if, in the opinion of the Senate, provision should be made for separate representation of such graduates;

(h) provide, if deemed necessary by the Senate, for an executive committee which shall act in the name and on behalf of the Senate between regular meetings of the Senate whose constitution and powers shall be as the Senate may from time to time determine.

(2) If any college is federated or affiliated with the University and has the right to grant degrees, such right, except for degrees in theology, shall remain dormant during the time that such college remains federated or affiliated with the University.

Degree-granting right of affiliated colleges suspended

## CHANCELLOR

Chancellor,  
election of

**38.**—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

- (a) all members, except *ex officio* members, of the Board; and
- (b) representatives of the Senate equal in number to the members of the Board entitled to be members of the electoral board, such representatives to include, as *ex officio* members, the Vice-Chancellor, the Vice-President and the Registrar, and the remainder to be chosen by the Senate from among its members in such manner as it may determine.

Quorum

(2) Twelve members of the electoral board, counting the Vice-Chancellor, the Vice-President and the Registrar, if present, shall constitute a quorum.

Who  
eligible

(3) No person shall occupy the office of Chancellor unless he is a British subject.

Idem

(4) No person shall occupy the office of Chancellor who is a member of the teaching staff or of the administrative staff or who is an employee of the University or of any federated or affiliated college or who is a member of the Board or of the governing board of any federated or affiliated college.

Term  
of office

**39.**—(1) The term of office of the Chancellor shall be for six years, commencing with the 1st day of July of the year in which the appointment is made, and no Chancellor shall be eligible for re-election.

Vacancy

(2) If a vacancy in the office of Chancellor occurs from any cause, the vacancy shall be filled by the appointment of a successor in the manner set out in section 38 and the successor shall hold office for six years, terminating on the 30th day of June in the sixth year after his appointment, and no such successor shall be eligible for re-election.

Where  
Chancellor  
becomes  
ineligible

(3) If the Chancellor ceases to be eligible for such office or becomes mentally incapacitated or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration of the existence of such vacancy by the Senate and by the Board entered in the minutes of the Senate and of the Board shall be conclusive evidence thereof.

Duties

**40.** The Chancellor shall preside at all Convocations and, by virtue of the authority vested in him by the Senate, shall

admit



admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate.

#### VICE-CHANCELLOR

**41.**—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University. <sup>Vice-Chancellor</sup>

(2) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor, or a member of the faculty of the University appointed by him, shall act as Chancellor at Convocation. <sup>To act in absence of Chancellor</sup>

(3) In the absence of both the Chancellor and Vice-Chancellor or if both offices are vacant, the duties of the Chancellor shall be performed by a member of the faculty of the University appointed by the Senate for the purpose. <sup>Absence of Chancellor and Vice-Chancellor</sup>

**42.** The agreement between Evangelical Lutheran Seminary of Canada and Waterloo College Associate Faculties, bearing date the 12th day of January, 1959, set forth as Schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder. <sup>Agreement confirmed</sup>

**43.** The agreement between St. Jerome's College and Waterloo College Associate Faculties, bearing date the 12th day of January, 1959, set forth as Schedule B hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder. <sup>Agreement confirmed</sup>

**44.** This Act shall be deemed to have come into force on the 15th day of November, 1958. <sup>Commencement</sup>

**45.** This Act may be cited as *The University of Waterloo Act, 1959*. <sup>Short title</sup>

## SCHEDULE A

THIS AGREEMENT made in duplicate this 12th day of January, A.D. 1959.

BETWEEN:

EVANGELICAL LUTHERAN SEMINARY OF CANADA, operating Waterloo College of Arts, a corporation incorporated by Private Act of the Legislature of the Province of Ontario, having its head office at the City of Waterloo in the Province of Ontario,

OF THE FIRST PART,

—and—

WATERLOO COLLEGE ASSOCIATE FACULTIES, a corporation incorporated under the laws of the Province of Ontario, having its head office at the City of Waterloo in the Province of Ontario,

OF THE SECOND PART.

WHEREAS the Evangelical Lutheran Seminary of Canada, which has been operating Waterloo College since 1914 as an institution of higher learning in the City of Waterloo, will, at the next session of the Legislature for the Province of Ontario, submit a petition to amend and revise its present Act of incorporation to obtain degree-granting and other powers and to change its corporate name to "Waterloo Lutheran University", and to adopt the name "Waterloo University College" for what is presently known as "Waterloo College", and the name "Waterloo Lutheran Seminary" for what is presently known as "Waterloo Seminary";

AND WHEREAS the Waterloo College Associate Faculties will, at the next session of the Legislature for the Province of Ontario, submit a petition for the incorporation of a non-denominational university under the name of "The University of Waterloo" and will transfer all its rights, liabilities, undertakings and contracts to the said University;

AND WHEREAS the parties do enter into these presents to set down their mutual covenants, understandings and arrangements to apply to any future federation agreement made on behalf of the University of Waterloo (hereafter called the University) and Waterloo Lutheran University, on behalf of Waterloo University College (hereafter called the College);

NOW THIS AGREEMENT WITNESSETH:

1. The parties hereto agree that:

- (a) The College shall have the right to become a federated college of the University of Waterloo and shall be known as Waterloo University College.
- (b) Upon federation of the College with the University, all degree-granting powers possessed by Waterloo Lutheran University, except those in Theology, shall be held in abeyance, so long as such federation remains in force.
- (c) The College shall have the right to appoint the chairmen for all courses taught in the College and these shall be the chairmen for the University, unless otherwise mutually agreed.
- (d) The College shall register with the University all students proceeding toward a degree to be granted by the University.

(e)



- (e) The College shall have jurisdiction over the conduct of its students.
- (f) The College shall maintain academic standards in respect to curriculum and faculty as required by the Senate of the University in all courses for which credit is given toward a degree.
- (g) The College shall have the right to offer courses in Religious Knowledge and the University Senate shall give academic credit for such courses when it is satisfied that academic standards and curricular requirements are maintained.
- (h) Subject to satisfactory prearrangements students of the College shall be admitted to courses offered by the University or by a federated or affiliated college.
- (i) The College shall have the prior right to give instruction in the arts, humanities and social sciences which are part of the University's professional courses, and may make arrangements with other colleges within the University to provide instruction in these fields.
- (j) All revenues of mutual concern shall be shared as agreed upon by the Boards of both parties.
- (k) All instructional, administrative, maintenance and other costs as between the College and the University shall be borne or shared as agreed upon by the Boards of both parties.
- (l) The College shall have the right to appoint its own teaching staff and administrative officers.
- (m) General facilities provided by the University, such as Library, Gymnasium, Convocation Hall, Students' Union Building, etc., with their staffs, shall be available to students and faculty of the College.
- (n) The University shall confer degrees, diplomas and other awards (except in Theology) upon candidates from the College who meet the curricular requirements as defined by the University Senate.
- (o) The University shall make its Science faculty available for the instruction of science subjects which are a part of the curriculum offered for an Arts degree.
- (p) The University shall not duplicate instruction in arts, humanities and social sciences offered by the federated colleges unless the Boards of Governors of the federated colleges agree to such duplication.
- (q) The University Senate shall approve expansion of curricula as taught in affiliated colleges only when such expansion has the consent of the Boards of the federated colleges, but such consent shall not be unreasonably withheld.
- (r) The University shall allocate and reserve land within its campus (on mutually agreed time limit and terms) on which the College may construct buildings for teaching, administration, students' residences (with or without chapels), and a detached chapel building, subject to the University's approval of architectural design.
- (s) The College shall retain as its own property any and all gifts, bequests, devises, scholarships, endowments or grants of any kind which from time to time may be made to it, no matter under which name the gift, bequest or devise may be made.
- (t) Any modifications of the University's agreements with other federated or affiliated colleges shall first be discussed with the then federated or affiliated colleges.

2. (a) This agreement shall be interpreted in the spirit of the fourth paragraph of the Petition of Waterloo College Associate Faculties for affiliation with Waterloo College, dated June 21, 1956.
- (b) Amendments to this agreement may be made by mutual consent.
- (c) The terms of this agreement shall apply to any future federation agreement made between the University and the College, and when the federation agreement is completed it may be terminated by either party only after the thirtieth day of June twelve months or more following the date on which either party notifies the other of its desire for termination of the agreement.

IN WITNESS WHEREOF the Parties hereto have affixed their Corporate Seals attested by the hands of their proper officers duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Seal)

J. G. HAGEY

(Seal)

EVANGELICAL LUTHERAN SEMINARY  
OF CANADA:

DELTON JOHN GLEBE

DONALD A. ROBERTS

WATERLOO COLLEGE ASSOCIATE  
FACULTIES:

I. G. NEEDLES

A. K. ADLINGTON

## SCHEDULE B

AGREEMENT made in duplicate this 12th day of January, A.D. 1959.

BETWEEN:

WATERLOO COLLEGE ASSOCIATE FACULTIES, a corporation incorporated under the laws of the Province of Ontario, having its head office at the City of Waterloo in the Province of Ontario,

—and—

ST. JEROME'S COLLEGE, a corporation incorporated by Private Act of the Province of Ontario, having its head office at the City of Kitchener in the Province of Ontario.

WHEREAS the Waterloo College Associate Faculties shall, at the next session of the Legislature for the Province of Ontario, submit a petition for the incorporation of a non-denominational university under the name of "The University of Waterloo" and will transfer all its rights, liabilities, undertakings and contracts to the said University;

AND WHEREAS St. Jerome's College, which has been operating institutions of higher learning in the City of Kitchener since 1866, shall, at the next session of the Legislature for the Province of Ontario, submit a petition for legislation changing its name to "The University of St. Jerome's College" and providing for modification of its organization, government and administration and enlarging and increasing its powers, rights and privileges to include degree-granting powers;

AND WHEREAS the parties do enter into these presents to set down their mutual covenants, understandings and arrangements to apply to any future federation agreement made on behalf of The University of Waterloo (hereafter called the University) and The University of St. Jerome's College (hereafter called the College);

NOW THIS AGREEMENT WITNESSETH:

1. The parties hereto agree that:

- (a) The College shall have the right to become a federated college of The University of Waterloo and shall be known as St. Jerome's College.
- (b) Upon federation of the College with the University, all degree-granting powers possessed by the University of St. Jerome's College, except those in Theology, shall be held in abeyance, so long as such federation remains in force.
- (c) The College shall register with the University all students proceeding toward a degree to be granted by the University.
- (d) The College shall have jurisdiction over the conduct of and provide religious worship for its students.
- (e) The College shall maintain academic standards in respect to curriculum and faculty as required by the Senate of the University in all courses for which credit is given toward a degree.
- (f) The College shall have the right to develop its own courses in harmony with its denominational beliefs in such fields of investigation as Religious Knowledge, Philosophy, Church History

and

and Sociology and the University Senate shall give academic credit for such courses when it is satisfied that academic standards and curricular requirements are maintained.

- (g) Subject to satisfactory prearrangements students of the College shall be admitted to courses offered by the University or by a federated or affiliated college.
  - (h) The College shall have the right to offer courses in Religious Knowledge, Philosophy, Church History and Sociology which are part of the University's professional courses.
  - (i) The College shall make available its faculty and facilities for instruction in the arts, humanities and social sciences which are part of the University's professional courses, when the University and the other federated colleges decide this to be economically feasible and practical.
  - (j) All revenues of mutual concern shall be shared as agreed upon by the Boards of both parties.
  - (k) All instructional, administrative, maintenance and other costs as between the College and the University shall be borne or shared as agreed upon by the Boards of both parties.
  - (l) The College shall have the right to appoint its own teaching staff and administrative officers.
  - (m) General facilities provided by the University, such as Library, Gymnasium, Convocation Hall, Students' Union Building, etc., with their staffs, shall be available to students and faculty of the College.
  - (n) The University shall confer degrees, diplomas and other awards (except Theology) upon candidates from the College who meet the curricular requirements as defined by the University Senate.
  - (o) The University shall make its Science faculty available for the instruction of science subjects which are part of the curriculum offered for an arts degree.
  - (p) The University shall not duplicate instruction in arts, humanities and social sciences offered by the federated colleges unless the Boards of Governors of the federated colleges agree to such duplication.
  - (q) The University Senate shall approve expansion of curricula as taught in affiliated colleges only when such expansion has the consent of the Boards of the federated colleges, but such consent shall not be unreasonably withheld.
  - (r) The University shall allocate and reserve land within its campus (on mutually agreed time limit and terms) on which the College may construct buildings for teaching, administration, students' residences (with or without chapels), subject to the University's approval of architectural design.
  - (s) The College shall retain as its own property any and all gifts, bequests, devises, scholarships, endowments or grants of any kind which from time to time may be made to it.
  - (t) Any modifications of the University's agreements with other federated or affiliated colleges shall first be discussed with the then federated or affiliated colleges.
2. (a) Amendments to this agreement may be made by mutual consent.
- (b) The terms of this agreement shall apply to any future federation agreement made between the University and the College, and

when the federation agreement is completed it may be terminated by either party only after the thirtieth day of June twelve months or more following the date on which either party notifies the other of its desire for termination of the agreement.

IN WITNESS WHEREOF the corporate parties hereto have hereunto set their corporate seals as attested to by their proper officers in that behalf.

WATERLOO COLLEGE ASSOCIATE FACULTIES:

I. G. NEEDLES,  
*Chairman of the Board.*

(Seal)

A. K. ADLINGTON,  
*Secretary.*

ST. JEROME'S COLLEGE:

C. L. SIEGFRIED,  
*President.*

(Seal)

W. J. LALONDE,  
*Secretary.*





## CHAPTER 141

**An Act respecting  
the Village of Wasaga Beach**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the Village of Wasaga Beach by its petition has prayed for special legislation permitting it to hold its annual election in August; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any general or special Act, a meeting of the electors of The Corporation of the Village of Wasaga Beach shall take place for the nomination of candidates for council and any local board or commission any members of which are required to be elected by ballot by the municipal electors at the Hall of the Municipality at 8 o'clock in the afternoon on the Friday, eight days before the last Saturday in August, and the day for polling shall be the last Saturday in August, 1959, and annually thereafter.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Village of Wasaga Beach Act, 1959*.



## CHAPTER 142

# An Act respecting Waterloo Lutheran University

*Assented to March 5th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS Evangelical Lutheran Seminary of Canada Preamble  
by its petition has represented that it was incorporated  
by *An Act to Incorporate Evangelical Lutheran Seminary of  
Canada*, being chapter 145 of the Statutes of Ontario, 1913,  
as amended by *The Lutheran Seminary Act, 1926*, Lutheran 1926, c. 115  
Seminary Act, 1927, c. 146  
1945, c. 31  
*Seminary Act, 1927* and *The Lutheran Seminary Act, 1945*,  
and that it has conducted and maintained two institutions  
of learning in the City of Waterloo, Ontario, namely, a liberal  
arts college known as "Waterloo College" and a theological  
seminary known as "Waterloo Seminary"; and whereas the  
petitioner has prayed for special legislation conferring upon it  
university status and such ancillary powers as are necessary  
to carry out its functions as a university; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

## 1. In this Act,

Interpreta-  
tion

- (a) "College" means Waterloo University College;
- (b) "Seminary" means Waterloo Lutheran Seminary;
- (c) "University" means Waterloo Lutheran University.

**2.—**(1) Evangelical Lutheran Seminary of Canada is Corporation  
continued  
under new  
name  
hereby continued as a body corporate, hereafter to be called  
and known as "Waterloo Lutheran University", and, subject  
to the provisions of this Act, shall have, hold, possess and  
enjoy all the property, rights, powers and privileges which it  
now has, holds, possesses or enjoys and, subject to the pro-  
visions of this Act, all by-laws, orders and regulations of the  
corporation now in force shall continue in force until amended  
or repealed.

Trust  
property  
vested in  
University

(2) All property hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, Waterloo College or the Evangelical Lutheran Seminary of Canada shall, subject to any trusts affecting the same, be vested in the University.

Interim  
Board of  
Governors

(3) The present members of the Board of Governors of Evangelical Lutheran Seminary of Canada shall continue to be the Board of Governors of the University until the first annual meeting of the Evangelical Lutheran Synod of Canada to be held after the coming into force of this Act.

1913, c. 145,  
s. 4 (1945,  
c. 31, s. 1),  
re-enacted

3. Section 4 of *An Act to Incorporate Evangelical Lutheran Seminary of Canada*, as re-enacted by section 1 of *The Lutheran Seminary Act, 1945*, is repealed and the following substituted therefor:

Board of  
Governors

4.—(1) The Board of Governors of the University shall consist of fourteen members, seven of whom shall be clergymen and seven of whom shall be laymen, and the Board shall be appointed by the Evangelical Lutheran Synod of Canada at its annual meeting.

Vacancy

(2) In the case of any vacancy in the membership of the Board of Governors of the University, the Board shall make nominations to the Evangelical Lutheran Synod of Canada, or to the Executive Committee of the Synod, for filling any such vacancy, and the Synod or the Executive Committee shall make an appointment to fill the unexpired term.

Term of  
office

(3) The term of office of each member of the Board of Governors of the University shall be three years, except,

(a) where a member is appointed to fill a vacancy, such appointment shall be for the remainder of the term of his predecessor; and

(b) in the case of the first appointment made after the coming into force of this section and in the case of the first of any new appointments made pursuant to subsection 4, such appointments shall be for terms of one, two or three years, so spaced that as nearly as possible one-third of the total membership of the Board shall come up for re-appointment each year.

Increase in  
membership

(4) The Board of Governors of the University shall have power to increase their number by resolution, in

multiples

multiples of two, to any number not exceeding thirty, and one-half of such additional members of the Board shall be clergymen and one-half shall be laymen, and, upon the Board passing a resolution so increasing their number, the appointment of the additional members of the Board shall be made at the next annual meeting of the Evangelical Lutheran Synod of Canada in accordance with the method set out in clause *b* of subsection 3.

**4.—(1)** The University shall have university powers, Degrees including the power to grant degrees and honorary degrees and to issue diplomas, certificates and other awards.

(2) All degrees, diplomas, certificates and other awards, Idem except those in theology, shall be granted and sealed in the name of Waterloo University College and, in the case of degrees in theology, the same shall be granted and sealed in the name of Waterloo Lutheran University.

(3) The power and authority of the University to confer degrees shall be suspended and in abeyance, except as related to degrees in theology, so long as the University remains affiliated or federated with any other university, but may be resumed by the University if it ceases to be affiliated or federated with any other university. Suspension of power to grant degrees

**5.** The Board of Governors of the University shall have power to provide for the appointment of a Senate and a Chancellor for the University and to prescribe their duties and powers. Power to appoint Senate and Chancellor

**6.** The agreement between Evangelical Lutheran Seminary of Canada and Waterloo College Associate Faculties, bearing date the 12th day of January, 1959, set forth as the Schedule hereto, is hereby ratified, confirmed and declared to be legal, valid and binding upon the University and the University is hereby empowered to carry out its obligations and exercise its privileges thereunder. Agreement confirmed

**7.** This Act shall be deemed to have come into force on the 15th day of November, 1958. Commence-ment

**8.** This Act may be cited as *The Waterloo Lutheran University Act, 1959*. Short title



## SCHEDULE

THIS AGREEMENT made in duplicate this 12th day of January, A.D. 1959.

BETWEEN:

EVANGELICAL LUTHERAN SEMINARY OF CANADA, operating Waterloo College of Arts, a corporation incorporated by Private Act of the Legislature of the Province of Ontario, having its head office at the City of Waterloo, in the Province of Ontario,

OF THE FIRST PART,

—and—

WATERLOO COLLEGE ASSOCIATE FACULTIES, a corporation incorporated under the laws of the Province of Ontario, having its head office at the City of Waterloo, in the Province of Ontario,

OF THE SECOND PART.

WHEREAS the Evangelical Lutheran Seminary of Canada which has been operating Waterloo College since 1914 as an institution of higher learning in the City of Waterloo, will at the next session of the Legislature for the Province of Ontario, submit a petition to amend and revise its present act of incorporation, to obtain degree-granting and other powers, and to change its corporate name to "Waterloo Lutheran University", and to adopt the name "Waterloo University College" for what is presently known as "Waterloo College", and the name "Waterloo Lutheran Seminary" for what is presently known as "Waterloo Seminary";

AND WHEREAS the Waterloo College Associate Faculties will, at the next session of the Legislature for the Province of Ontario, submit a petition for the incorporation of a non-denominational university under the name of "The University of Waterloo" and will transfer all its rights, liabilities, undertakings and contracts to the said University;

AND WHEREAS the parties do enter into these presents to set down their mutual covenants, understandings and arrangements to apply to any future federation agreement made on behalf of the University of Waterloo (hereafter called the University) and Waterloo Lutheran University, on behalf of Waterloo University College (hereafter called the College);

NOW THIS AGREEMENT WITNESSETH:

1. The parties hereto agree that:

- (a) The College shall have the right to become a federated college of the University of Waterloo and shall be known as Waterloo University College.
- (b) Upon federation of the College with the University, all degree-granting powers possessed by Waterloo Lutheran University, except those in Theology, shall be held in abeyance, so long as such federation remains in force.
- (c) The College shall have the right to appoint the chairmen for all courses taught in the College and these shall be the chairmen for the University, unless otherwise mutually agreed.
- (d) The College shall register with the University all students proceeding toward a degree to be granted by the University.

(e)



- (e) The College shall have jurisdiction over the conduct of its students.
- (f) The College shall maintain academic standards in respect to curriculum and faculty as required by the Senate of the University in all courses for which credit is given toward a degree.
- (g) The College shall have the right to offer courses in Religious Knowledge and the University Senate shall give academic credit for such courses when it is satisfied that academic standards and curricular requirements are maintained.
- (h) Subject to satisfactory prearrangements students of the College shall be admitted to courses offered by the University or by a federated or affiliated College.
- (i) The College shall have the prior right to give instruction in the arts, humanities, and social sciences which are part of the University's professional courses, and may make arrangements with other colleges within the university to provide instruction in these fields.
- (j) All revenues of mutual concern shall be shared as agreed upon by the Boards of both parties.
- (k) All instructional, administrative, maintenance, and other costs as between the College and the University shall be borne or shared as agreed upon by the Boards of both parties.
- (l) The College shall have the right to appoint its own teaching staff and administrative officers.
- (m) General facilities provided by the University, such as Library, Gymnasium, Convocation Hall, Students' Union Building, etc., with their staffs, shall be available to students and faculty of the College.
- (n) The University shall confer degrees, diplomas, and other awards (except in Theology) upon candidates from the College who meet the curricular requirements as defined by the University Senate.
- (o) The University shall make its Science faculty available for the instruction of science subjects which are a part of the curriculum offered for an Arts degree.
- (p) The University shall not duplicate instruction in Arts, humanities and social sciences offered by the federated colleges unless the Boards of Governors of the federated colleges agree to such duplication.
- (q) The University Senate shall approve expansion of curricula as as taught in affiliated colleges only when such expansion has the consent of the Boards of the federated colleges, but such consent shall not be unreasonably withheld.
- (r) The University shall allocate and reserve land within its campus (on mutually agreed time limit and terms) on which the College may construct buildings for teaching, administration, students' residences (with or without chapels), and a detached chapel building, subject to the University's approval of architectural design.
- (s) The College shall retain as its own property any and all gifts, bequests, devises, scholarships, endowments, or grants of any kind which from time to time may be made to it, no matter under which name the gift, bequest or devise may be made.
- (t) Any modifications of the University's agreements with other federated or affiliated colleges shall first be discussed with the then federated or affiliated colleges.

2. (a) This Agreement shall be interpreted in the spirit of the fourth paragraph of the Petition of Waterloo College Associate Faculties for affiliation with Waterloo College, dated June 21, 1956.
- (b) Amendments to this agreement may be made by mutual consent.
- (c) The terms of this agreement shall apply to any future federation agreement made between the University and the College, and when the federation agreement is completed it may be terminated by either party only after the thirtieth day of June twelve months or more following the date on which either party notifies the other of its desire for termination of the agreement.

IN WITNESS WHEREOF the Parties hereto have affixed their Corporate Seals attested by the hands of their proper officers duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Seal)

(Seal)

J. G. HAGEY

EVANGELICAL LUTHERAN SEMINARY  
OF CANADA:

DELTON JOHN GLEBE,

DONALD A. ROBERTS.

WATERLOO COLLEGE ASSOCIATE  
FACULTIES:

I. G. NEEDLES,

A. K. ADLINGTON.

## CHAPTER 143

## An Act respecting the City of Windsor

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Windsor, Preamble  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) The Corporation is authorized and empowered to <sup>Use of un-</sup>lease or license the use of untravelled <sup>travelled</sup> portions of highways <sup>portions</sup> within those portions of the City of Windsor zoned for com- <sup>of</sup>mercial or industrial purposes to the owners or occupants of highways  
adjoining property for such consideration and upon such  
terms and conditions as may be agreed.

(2) The Corporation is authorized and empowered to pass <sup>Idem</sup> by-laws regulating and controlling the use of such portions of  
highways within the City of Windsor, including the use  
thereof for parking purposes.

(3) This section does not apply to the portions of any <sup>Application</sup> highways that are extensions or connecting links of the King's <sup>to King's</sup> highway  
highway.

**2.** The Corporation is authorized to refund to John Velecky <sup>Refund to</sup> the sum of \$623.50, being the amount of taxes collected from <sup>John</sup> him in error during the years 1944 to 1957, inclusive, in <sup>Velecky</sup> respect of part of a building located on premises known as <sup>authorized</sup> 915-25 Shepherd Street East, together with simple interest  
on the various amounts paid by John Velecky, comprising  
such sum of \$623.50, at the rate of 5 per cent per annum from  
the date of payment of such amounts to the 31st day of  
December, 1958, amounting to \$222.52.

**3.** The conveyance by the Corporation to Philip J. G. <sup>Conveyances</sup> Morgan by deed dated the 1st day of February, 1937, of part <sup>confirmed</sup>

of Lot 45 and all of Lots 46, 47 and 48, according to Registered Plan No. 586, and which said part of Lot 45 is more particularly described as follows:

COMMENCING on the easterly limit of Montreuil Avenue at its intersection with the southerly limit of Lot Forty-five (45) of Registered Plan No. 586; thence northerly along the easterly limit of Montreuil Avenue seventeen feet and eleven inches (17' 11") more or less to the southerly limit of Wyandotte Street; thence easterly along the southerly limit of Wyandotte Street following the arc of a circle curving to the left and having a radius of four hundred feet (400'), seventy-six feet and one inch (76' 1") more or less to the easterly limit of said Lot Forty-five (45); thence southerly along the easterly limit of said Lot Forty-five (45) two feet (2') more or less to the southerly limit of said Lot Forty-five (45); thence westerly along the southerly limit of said Lot Forty-five (45) seventy-four feet and two inches (74' 2") more or less to the place of beginning;

and registered in the Registry Office of the Registry Division of the County of Essex on the 16th day of March, 1938, as No. 43E-51046, and the conveyance by the Corporation to Phillip J. G. Morgan by deed dated the 1st day of January, 1936, of Lots 49 and 50, according to Registered Plan No. 586, and registered in the said Registry Office on the 27th day of February, 1936, as No. 39E-47064, are ratified and confirmed and declared to be legal and binding and shall be deemed to have vested such lands in fee simple in Philip J. G. Morgan and Phillip J. G. Morgan clear of and free from all right, title and interest, other than that of the said Philip J. G. Morgan and Phillip J. G. Morgan.

Adoption  
of building  
codes  
authorized  
R.S.O. 1950,  
c. 243

**4.** For the purposes of any building by-law passed pursuant to subsection 1 of section 388 of *The Municipal Act*, the council of the Corporation is authorized and empowered to adopt by reference, in whole or in part or with such changes as the council considers necessary, the National Building Code of Canada and any code or standards adopted, sponsored or made by the Canadian Standards Association, the Canadian Government Specifications Board, the American Society for Testing Materials or any other association or body and approved by the National Research Council, and may require compliance with any such code or standards as adopted by council.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The City of Windsor Act, 1959*.

CHAPTER 144

An Act respecting the City of Woodstock

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS The Corporation of the City of Woodstock, Preamble  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter  
set forth; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) For the year 1961 and thereafter, the council of the Composition  
of council  
Corporation shall consist of a mayor and eight aldermen to  
be elected by general vote.

(2) At the annual municipal election in the year 1959 and Election of  
aldermen  
at each annual election thereafter, there shall be elected four  
aldermen who shall hold office for a two-year term.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**3.** This Act may be cited as *The City of Woodstock Act, 1959*. Short title





## CHAPTER 145

**An Act to incorporate York University**

*Assented to March 26th, 1959  
Session Prorogued March 26th, 1959*

**W**HEREAS the persons named in section 2 by their Preamble  
petition have represented that they are desirous of  
establishing in the Province of Ontario, at or near The Muni-  
cipality of Metropolitan Toronto, an institution to provide  
facilities for instruction in all branches of higher learning  
having the rights and powers of a university; and whereas the  
petitioners have prayed for special legislation to effect such  
purpose; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** In this Act,**Interpre-  
tation**

- (a) "Board" means Board of Governors of York University;
- (b) "Chancellor" means Chancellor of the University;
- (c) "President" means President of the University;
- (d) "property" includes all property, both real and personal;
- (e) "real property" includes messuages, lands, tenements, and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (f) "Senate" means Senate of the University;
- (g) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research; and
- (h) "University" means York University.

York  
University  
incorporated

**2.** Air Marshal Wilfred Austin Curtis, C.B., C.B.E., D.F.C., LL.D., E.D., James Robbins Kidd, M.A., D.Ed., Thomas Richardson Loudon, B.A.Sc., C.E., V.D., Hon. F.A.I.C., M.E.I.C., Prof. Emeritus Aero.Eng. U. of T., Stanley Harold Deeks, F.I.A., Ph.D., Arthur Donald Margison, B.Eng., P.Eng., Arthur Robinson Hackett, B.A., B.Sc., Edgar Tilden Alberts and such other persons who may hereafter be appointed or elected Chancellor, President or a member of the Board or as a member of the Senate or upon whom the University may confer a degree are hereby created a body corporate with perpetual succession and a common seal under the name of "York University".

Objects and  
purposes of  
University

**3.** The objects and purposes of the University are,

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, social, moral and physical development of its members and the betterment of society.

Faculties  
and schools

**4.** The University shall have power to establish and maintain such faculties, schools, institutes, departments, chairs and courses as shall be deemed meet by the Senate and approved with respect to finances and facilities by the Board.

Degrees

**5.** The University shall have power and authority to grant in all branches of learning any and all university degrees and honorary degrees and diplomas.

Manage-  
ment of  
University  
vested in  
Board

**6.—(1)** Except as to such matters by this Act specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs shall be vested in a board under the name "Board of Governors of York University" and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the President and the Vice-President;
- (b) to fix the numbers, duties, salaries and other emoluments of the officers, agents and servants of the University;
- (c) to appoint an Executive Committee and such other committees as it may deem advisable, and to delegate to any such committee any of its powers;

(d)

(d) to borrow money for purposes of the University and give security therefor on such terms and in such amounts as it may deem advisable;

(e) to make by-laws and regulations not inconsistent with the conduct of its affairs, including the fixing of a quorum, the election or appointment of its members and the filling of vacancies.

(2) By-laws shall not require confirmation by the members of the corporation. Confirmation of by-laws

7. The persons named in section 2, and such persons as may be appointed by them, shall constitute the provisional Board of Governors which shall act until the Board is reconstituted in accordance with section 8, provided that the total number of members shall not exceed twenty-four. Provisional Board

8. Within twenty-four months from the coming into force of this Act, the Board shall be reconstituted to consist of, Composition of Board

(a) the Chancellor *ex officio*;

(b) the President *ex officio*; and

(c) such number of members, not exceeding twenty-four, as may be prescribed by the by-laws of the Board, elected or appointed for a term of four years in the manner prescribed by the by-laws of the Board.

9. No persons on the teaching staff or administrative staff of the University, other than the Chancellor and the President, shall be members of the Board. Eligibility of staff

10. The Board shall elect a chairman from among its members. Chairman

11. After thirty days notice to any member, the Board may, by resolution passed by at least two-thirds of the votes cast at a meeting of the Board, declare vacant the seat of such member. Vacancies

12.—(1) There shall be a Senate of the University composed of, Senate

(a) the Chancellor *ex officio*;

(b) the President *ex officio*;

(c) the deans or chairmen of faculty boards *ex officio*;

(d)

- (d) two members of the Board of Governors appointed by the Board;
- (e) such numbers of other persons representing such faculties, institutions or organizations as the Senate may determine.

**Vacancies**

- (2) The body possessing the power of election or appointment may fill a vacancy on the Senate for the unexpired portion of any term.

**Powers of Senate**

**13.** The Senate shall be responsible for the educational policy of the University and, with the approval of the Board in so far as the expenditure of funds and establishment of facilities are concerned, may create faculties or departments or establish chairs in any and as many of the arts and sciences as the Senate may determine, may create faculty councils to act as executive committees for the Senate to regulate the admission of students, courses of study and requirements for graduation, may enact by-laws regulating matters in this section referred to and may from time to time amend or replace any of its by-laws, and, without limiting the generality of the foregoing, the Senate shall have power,

- (a) to elect the Chancellor;
- (b) to control and regulate the system of education of the University;
- (c) to determine the courses of study and suitable standards of admission into the University and qualifications for degrees;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
- (f) to confer the degrees of Bachelors, Masters and Doctors in the several arts, sciences and faculties, and all other degrees which may appropriately be conferred by a university;
- (g) to make by-laws and regulations for the conduct of its affairs, including the fixing of a quorum and the election or appointment of its members.



**14.**—(1) There shall be a President of the University who <sup>President</sup> shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

(2) The Board may appoint a Vice-President who shall act <sup>Vice-President</sup> in the absence of the President and shall have such other powers and duties as may be conferred on him by the Board.

(3) The President shall be Vice-Chancellor and chief <sup>Powers and duties of President</sup> executive officer of the University and, in the absence of or vacancy in the office of the Chancellor, shall perform the functions of the Chancellor, and, subject to the will of the Board, the President shall have supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and shall also have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

**15.** There shall be a Chancellor elected by the Senate, <sup>Chancellor</sup> who shall be the titular head of the University, who shall confer all degrees and who shall, subject to the will of the Senate, hold office for three years or until his successor is elected.

**16.** No religious test shall be required of any professor, <sup>Religious tests not required</sup> lecturer, teacher, officer or servant or of any student of the University nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

**17.** The University shall have, in addition to the powers, <sup>Property</sup> rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property, whether real or personal, whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding. <sup>R.S.O. 1950, c. 184</sup>

**18.** All property heretofore or hereafter granted, conveyed, <sup>Trust property vested in University</sup> devised or bequeathed to any person in trust for or for the benefit of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the University.

Tax  
exemption

**19.** The property vested in the University and any lands and premises leased to and occupied by the University shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University.

Property of  
University  
not liable  
to be  
expropriated

**20.** Real property vested in the University shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Application  
of statute  
of  
limitations

**21.** All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application  
of property

**22.** The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

Investment  
of funds

**23.** The funds of the University not immediately required for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and reinvested in such investments as the Board shall deem meet.

Borrowing  
powers

**24.** The University, if authorized by by-law of the Board, may,

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of the property of the University to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and

pledge



pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations.

**25.** The University shall have power and capacity to <sup>Powers of affiliation</sup> affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

**26.** The accounts of the University shall be audited at <sup>Audit</sup> least once a year by a practising auditor.

**27.** The University shall submit to the Lieutenant-Governor <sup>Annual report</sup> in Council, upon request, the annual report of the University and such other reports as may be so requested from time to time.

**28.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**29.** This Act may be cited as *The York University Act*, <sup>Short title</sup> 1959.



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in the Revised Statutes of Ontario, 1950 and  
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repealed or superseded

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## A

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## B

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LIVE STOCK COMMUNITY SALES ACT: 1959, c. 53.

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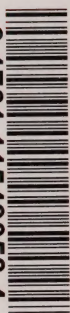
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